

I am afraid I go further. I think that even an Anglo-American alliance to impose peace on the world, if you can conceive of such a thing, would be a dangerous and very doubtful enterprise.

To us our aspirations, our ideals are—and I think rightly and naturally—the greatest and best in the world. We believe that there is much that is common between England and America in those ideals. But you can't expect the rest of the world to share that opinion, and the attempt to enforce the ideals of any kind of civilization, whether it is German kultur or what is sometimes called Anglo-Saxon ideals, whatever name you may give it, will be bitterly resented, and perhaps properly resented, by the rest of the world.

It isn't a new holy alliance that I believe in, even though that might be a holy alliance in the interests of the highest form of democracy.

WANTS COMMON PEACE POLICY

What I have in my mind is a common peace policy, the exercise, the unfettered, the free exercise of both countries of their influence and their example for the peace of the world, combining, it may be, in this or that particular enterprise or this or that particular piece of machinery, but in any case working together for the common object, which is the greatest object that they can have.

I can't help feeling that if we could work together on those lines that would be a very inspiring aspiration for all of us.

I remember very well—your chairman has referred to it to-night, and we all remember it—the entry of your country into the war. I was in London, of course, and when it was announced I felt, and I believe with the vast mass of my fellow countrymen, a thrill of thankfulness and gratitude which for the moment wiped out even the horrors of the existing war.

After long years it was our feeling Americans and English are again side by side, marching against a common foe and striving for a common object.

What we did in the war with our allies history can tell us, and I think that history will say that no greater achievement has ever been recorded than that. If we could do so much in war, why should we not do even more and even greater work for peace?

Therefore, ladies and gentlemen, as my last word for the time being, let me say this: Let us go forward together, each in our own way, but having our common object before us; let us go forward in this great quest to achieve, in the words of the old prayer, "Peace and happiness, truth and justice, religion and piety."

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.) took a recess until to-morrow, Tuesday, January 13, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 12 (legislative day of January 5), 1925

PROMOTIONS IN THE ARMY

OFFICERS' RESERVE CORPS

George Emerson Leach to be brigadier general, Officers' Reserve Corps.

MEDICAL DEPARTMENT

James Denver Glennan to be assistant to the Surgeon General.

MEDICAL CORPS

Stanley William Matthews to be first lieutenant.

FIELD ARTILLERY

Warfield Richardson Wood to be first lieutenant.

INFANTRY

Francis William Johnson to be second lieutenant.

MEDICAL ADMINISTRATIVE CORPS

Fritz Jack Sheffler to be first lieutenant.

CHAPLAINS

Edwin Burling to be chaplain, with rank of captain.

Cornelius Aloysius Maher to be chaplain, with rank of captain.

PROMOTION LIST BRANCHES

Ethel Alvin Robbins to be captain.

James Gilbert Anthony to be captain.

Housan Wayne Duncan to be first lieutenant.
Park Holland to be first lieutenant.
John Gross to be first lieutenant.

POSTMASTERS

ALABAMA

William H. Briley, Ariton.
Charles W. Horn, Brantley.

FLORIDA

Harry W. Thurber, Lake Worth.
Edward R. Joyce, St. Augustine.

GEORGIA

Cleone M. Fincher, Culloden.
George A. Poche, Washington.

IDAHO

Swen F. Johnson, Downey.
Homer W. Woodall, Soda Springs.

INDIANA

Walter M. Skinner, Fulton.
Fred H. Maddox, Lyons.
LeRoy H. McAllister, New Carlisle.

MASSACHUSETTS

Elsa L. Downing, Harding.
Frank H. Hackett, Wakefield.

MICHIGAN

Myrtle G. Lewis, Burr Oak.
Hattie G. Jones, Oxford.
Clyde A. Wilcox, Bethesda.
Thomas E. Stafford, Fredericktown.
Alice Hastings, Lagrange.

TEXAS

John T. White, Kirkland.
Ernest H. Duerr, Runge.
Lynn E. Slate, Sudan.

UTAH

Cora E. Paxton, Lynndyl.

WEST VIRGINIA

Jerome Akers, Kenova.

HOUSE OF REPRESENTATIVES

Monday, January 12, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, our times are in Thy hands. We come to Thee with a prayer and not a claim. May we see God in His wondrous providence moving among the affairs of the great world, always bringing order out of chaos and peace out of tumult. As Thy love and wisdom are never exhausted, we come seeking their blessing and guidance. Set upon us this day the sense of Thy approval. Give inspiration as well as direction to all that we shall do in this Chamber. Teach us that mercy is more acceptable than sacrifice and goodness is more to be desired than greatness. Lead us on through all the days and to-morrows until eternity breaks in sight. For the sake of Jesus. Amen.

The Journal of the proceedings of Saturday, January 10, 1925, was read and approved.

AGRICULTURE DEPARTMENT APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 10404, a bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table, disagree to all Senate amendments, and ask for a conference on a bill which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. SNELL. May I ask the gentleman from New York a question? How much was the bill raised in the Senate?

Mr. MAGEE of New York. Approximately \$200,000.

Mr. SNELL. What were the special items?

Mr. MAGEE of New York. One item of \$50,000 for further fighting forest fires; another item of increase of some \$90,000 for the market-news service, and some smaller items.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman a question? An amendment has been put on by the Senate, which, I understand, will go on all appropriation bills. It is an amendment relative to the fixing of the pay of certain employees in the field service. I think some inquiries have been made in connection with another bill that has gone to conference with regard to that. There are some gentlemen on this side of the Chamber who think that the sentiment of the House should be expressed upon that subject on some one of the bills. Of course, we have no way of knowing what conference report will come back first.

Mr. MAGEE of New York. I will say to the gentleman that I understand from the chairman of the Committee on Appropriations that an identical provision will go in each appropriation bill. I further understand that under the rules of the House, unless the conferees on this bill, for instance, should insist upon cutting out such provision and it should be cut out, the provision will have to come back to the House for action.

Mr. GARRETT of Tennessee. That is what I wanted to ask the gentleman, because it is legislation.

Mr. MAGEE of New York. That is as I understand the rule.

Mr. GARRETT of Tennessee. And it will undoubtedly have to come to the House for action.

Mr. MADDEN. And if we do not cut it out it will come back. It should be cut out, and I think we shall be able to cut it out because we ought not to legislate on these bills.

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the gentleman tell us whether or not the item of \$50,000 for the so-called agricultural conference has been put on this bill?

Mr. MAGEE of New York. No.

Mr. BLANTON. It has not?

Mr. MAGEE of New York. We did not have any jurisdiction at the time we drafted this bill, to include that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. MADDEN, Mr. MAGEE of New York, Mr. WASON, Mr. BUCHANAN, and Mr. LEE of Georgia.

CALENDAR WEDNESDAY

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday be made in order on Thursday in lieu of Wednesday.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the business in order on Wednesday be in order on Thursday instead. Is there objection?

There was no objection.

Mr. GARNER of Texas. May I ask the gentleman from Ohio if he expects that on Tuesday we will finish the banking bill and then on Wednesday take up the rivers and harbors bill?

Mr. LONGWORTH. That is the idea.

Mr. GARNER of Texas. Suppose we do not finish the banking bill on Tuesday?

Mr. LONGWORTH. I think that probably the House would rather finish the banking bill, and then the rivers and harbors bill will immediately follow.

Mr. GARNER of Texas. But suppose we do not finish the banking bill on Tuesday and it goes over and takes up Wednesday, are we to postpone the consideration of the rivers and harbors bill on Thursday and take it up Friday?

Mr. LONGWORTH. Personally I shall be very glad to do what the House wants done in that matter, and I think we can probably arrange that very easily on Tuesday if we do not pass the banking bill.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. Evidently there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24.]

Abernethy	Boylan	Clark, Fla.	Dominick
Anderson	Briggs	Collins	Eagan
Anthony	Britten	Corning	Edmonds
Arnold	Browne, N. J.	Croll	Elliott
Ayres	Brumm	Cullen	Fairchild
Barkley	Buckley	Curry	Fairfield
Beedy	Butler	Davey	Faust
Begg	Canfield	Davis, Minn.	Fenn
Berger	Carew	Deal	Fitzgerald
Black, N. Y.	Celler	Dempsey	Fredericks
Bloom	Clague	Denison	Fulbright
Bowling	Clancy	Dickstein	Fulmer

Funk	Langley	O'Connell, N. Y.	Shallenberger
Gambrell	Larson, Minn.	O'Connell, R. I.	Sherwood
Garber	Leach	O'Sullivan	Sites
Geran	Leavitt	Oliver, N. Y.	Smithwick
Gifford	Lee, Ga.	Paige	Snyder
Glatfelter	Lindsay	Park, Ga.	Speaks
Goldsbrough	Linthicum	Parks, Ark.	Sprout, Kans.
Green	Logan	Perkins	Stengle
Griffin	McDuffie	Perlman	Strong, Pa.
Harrison	McFadden	Porter	Sullivan
Hastings	McLaughlin, Nebr.	Purnell	Sweet
Haugen	McLeod	Quayle	Taylor, Tenn.
Hawes	McNulty	Ragon	Tincher
Howard, Okla.	Martin	Ransley	Tinkham
Hull, Tenn.	Merritt	Rayburn	Vare
Hull, Morton D.	Michaelson	Reed, Ark.	Voigt
Hull, William E.	Mills	Richards	Ward, N. C.
Jacobstein	Montague	Roach	Watson
Kent	Mooney	Robson	Weller
Kerr	Moore, Ill.	Rogers, Mass.	Welsh
Kless	Morin	Rogers, N. H.	Wertz
Kindred	Morris	Sanders, Ind.	Wilson, Ind.
Knutson	Nelson, Wis.	Schall	Winslow
Kunz	O'Brien		Wolf

The SPEAKER. Two hundred and eighty-seven Members have answered to their names; a quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

RIVERS AND HARBORS

Mr. SNELL, chairman of the Committee on Rules, submitted a privileged report from that committee (H. Res. 400) providing for the consideration of H. R. 11472, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read and referred to the House Calendar.

NICHOLS AVENUE

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 1782) to provide for the widening of Nichols Avenue, between Good Hope Road and S Street SE.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. BLANTON. Mr. Speaker, there is no objection to this bill, but the gentleman from Arkansas [Mr. TILLMAN] wants five minutes to speak out of order, which he could have in the Committee of the Whole under the rules. If there will be no objection to his having that in the House, I shall raise no objection to the request.

Mr. ZIHLMAN. I will say to the gentleman I can not answer for the House.

Mr. BLANTON. The House, I am sure, would comply with such agreement as the gentleman might make.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That within 90 days after the dedication to the District of Columbia by the owners of lots Nos. 29 to 35, both inclusive, in square No. 5601, of a strip of land seven feet in width for widening of Nichols Avenue between Good Hope Road and S Street southeast, the Commissioners of the District of Columbia be, and are hereby, authorized to acquire, by purchase at a price deemed by them to be reasonable and fair, otherwise by condemnation, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, all of those pieces or parcels of land taxed as lots Nos. 816 and 821 and the following-described part of that parcel of land taxed as lot No. 827, in square No. 5601, beginning for the same at the southwest corner of lot taxed as lot No. 827, in square No. 5601, said corner being at the intersection of the eastern line of Nichols Avenue and the northern line of Good Hope Road; thence running with the northern line of Good Hope Road south fifty-nine degrees forty minutes thirty seconds east fourteen and ninety-three one-hundredths feet to the southwest corner of lot taxed as lot No. 803, in square No. 5601; thence leaving Good Hope Road and running with the dividing line between said lots Nos. 827 and 803 north thirteen degrees twenty-three minutes thirty seconds east seventy-five feet to the northwest corner of said lot No. 803; then leaving said lot No. 803 and running in a parallel line to the eastern line to Nichols Avenue and seven feet southeasterly therefrom north nineteen degrees fifteen minutes fifteen seconds east twenty-five and thirteen one-hundredths feet to the northern line of said lot No. 827; thence with the northern line thereof north seventy-six degrees thirty-six minutes thirty seconds west ninety-one one-hundredths feet to the most eastern corners

of lots taxed as lots Nos. 816 and 821; thence with the dividing line between said lots Nos. 821 and 827 south thirty-nine degrees twenty-eight minutes west seventeen and thirty-nine one-hundredths feet to the eastern line of Nichols Avenue; thence with the eastern line thereof south nineteen degrees fifteen minutes fifteen seconds west eighty and forty one-hundredths feet to the beginning, containing nine hundred and twelve and sixty one-hundredths square feet, more or less, as shown on the plat books of the surveyor's office of the District of Columbia, for the widening of the said Nichols Avenue between Good Hope Road and S Street southeast: *Provided, however*, That the entire cost of the property if acquired by condemnation under and in accordance with this act plus the cost of the court proceedings incident thereto shall be assessed as benefits against any property in the District of Columbia which in the judgment of the condemnation jury is benefited.

SEC. 2. That there is hereby authorized to be appropriated out of the revenues of the District of Columbia, if acquired by purchase, the sum of \$4,500 to pay the purchase price plus any expenses incident thereto, or in case of condemnation an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits, and covered into the Treasury to the credit of the revenues of the District of Columbia.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas [Mr. TILLMAN] may have 10 minutes out of order.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Arkansas may proceed for 10 minutes out of order. Is there objection?

There was no objection.

BE FAIR TO CONGRESS

Mr. TILLMAN. Mr. Speaker, in the Washington Post of last Sunday appeared the following:

HILL INSISTS ON INQUIRY INTO JUNKET TO PANAMA

Wet leader threatens to urge investigation of Mrs. Scott's charges of rum smuggling—passenger list made public.

The Panama trip in 1921 was an unofficial junket. It was unauthorized by Congress. Members and their wives and families who made the trip made the arrangements through the War Department.

The passenger list of the *Christobal*, made public yesterday by the Panama Railroad Steamship Co., a Government-owned corporation, contains the names of more than two score distinguished Members of the Senate and House, most of whom have consistently voted in the dry column.

Among the passengers as disclosed by the list was Miss Laura Volstead, daughter of the author of the Volstead Act.

The gentleman from Maryland [Mr. HILL], 2.75 per cent in earnest, and 97.25 per cent in frolicsome horseplay, threatens another investigation. He proposes to dignify with serious consideration side remarks escaping from a witness testifying in a judicial proceeding in Michigan, charging misconduct and crime to Senators and Representatives. Everyone it seems must have his fling at Congress, including Members themselves.

I undertake this defense because I am a dry in practice as well as in theory.

The passenger list of the steamer *Christobal*, carrying in 1921 a group of Congressmen, their wives, and children to Panama is "made public" in the Washington Post of last Sunday. This list was "public" four years ago, and is a list of respectable men and women, no better, no worse than the average, bent on a proper mission and carrying on respectably. Is it not time to abandon unfair attacks on public men? Papers big and little, daily and weekly, seem to find thrilling entertainment in an endless spread of printer's ink, mercilessly ridiculing and pitilessly attacking Members of the Senate and House, besides investigations and divorce proceedings delight them beyond measure.

I am a friend of the great American newspapers. They are ably edited, and the bright young men who serve them as reporters are intelligent and capable beyond comparison. Our newspapers surpass those of England and the Continent as the sun outshines the twinkling stars. I never indulge in the senile pastime of saying that there are now no Danas, no Greeleys, no Wattersons.

There are to-day just as brilliant editors as there ever were. To some people "memory's geese are always swans."

Some assert that no one now living can wear Achilles' armor, no one to-day can wield King Richard's battle-ax. Only those

afflicted with senile dementia take that view of things. People are cleaner, better, abler—physically, mentally, and morally—than ever before in the history of the world. [Applause.] To hades with "Oh the times, Oh the morals" stuff from Horace down to this good hour.

Do not bear the times; bull the times and exalt America and Americans, the greatest country and the greatest people that God's golden sun ever shone upon. [Applause.]

I deplore petty faultfinding, and the perennial attitude of nosing the ground for the smell of scandal's tracks.

The reputation of any man or woman can easily be tainted if people believe all they hear, require no proof, and presume the accused guilty, when the law says even the indicted are presumptively innocent until proven guilty beyond a reasonable doubt.

To show how easily a reputation can be injured, a minister from my State rented a dress suit to wear at the President's reception last Thursday night, left Washington next morning on an early train, and left the suit and money for the use of it with the night clerk of the hotel where he was stopping. This night clerk laid it away where the day clerk could not find it, and in a little while the report was all over town that the preacher had intentionally taken the suit home with him.

It is a tragic thing for a cruel charge to be made against anyone without sufficient proof in sight to justify the publicity that is usually accorded such accusations. During the past year and up to date this Capitol has reeked with scandal, and some of it unworthy of notice or publicity.

I do not condone or excuse crime or official corruption. I condemn crime and corruption, but it is an awful thing to cut men's throats with slanderous whisperings and then gibbet them before the public on criminal charges, unless proof of the crime charged, strong as Holy Writ, is ready to be produced. And this wholesome principle applies to Presidents, and especially includes Presidents dead or living, to Cabinet officers, to all men and women, in fact, as well as to Senators and Representatives. Jackals of slander poked their long noses into the new-made grave of the gentle Harding, so the sheeted dead even must pay toll to the morbid appetite for sensation that now seems to grip the Capitol and the country and fattens and grows.

If men are guilty of crime, convict them, but be sure it is crime and not mere indiscretion or poor judgment or mistake. Crime is not partisan, and even-handed justice only should be sought and done under this miasmic shadow of charge and countercharge which for some time has hovered like an ugly fog over the National Capitol.

For a year or more the situation here has been tense, abnormal, and the blazing sparks of scandal have been flying through the air. The march of the skeletons has been on; meantime the truth has not always been told.

A RAPID MOVER

The short and ugly word moves like a meteor. A lie can travel 40 miles while the truth is getting his boots on. Slanders have been riding about like demons on rumor's tongue. Everybody has been trailing the winged feet of furtive whispers. The keen-fanged sleuths have been hot on the scent of every tale, and tales there are a plenty. Mrs. Grundy or Wildeyed Wash or Windy Jim or Babbling Bobby remarks that Susan Slusher has not swept her kitchen since Christmas Eve, or that Merry Mabel had been seen talking to a traffic cop for five whole minutes, or what is more to the point, that some Senator or Representative had received 40,000,000 doughnuts for voting for a bridge across Salt River. The story starts and away it goes. After it has made three rounds twice and zigzagged across the circle once more, Mr. Stinging Bee hears it and whispers it to Hen-pecked Pete's brother-in-law, and he starts with it on the run. A lie travels faster than the truth, because it meets so many friends who give it a ride. Truth gets up in the cold, gray dawn and has to knock four times before he can get a door open, but a lie is greeted with the glad word, creamed and coffeed and fed and petted and laughed at and slapped on the back, and then sent hurrying on in the swiftest automobile on the place. [Applause.]

The skeleton parade goes on merrily—grim, grotesque, grinning skeletons. Comes undeserved heartaches, blasted reputations, red scars made by the white-hot iron of unjust suspicion.

Juvenal says in his ninth satire:

There's a lust in man no charm can tame
Of loudly publishing our neighbor's shame.

Men's reputations should not be imperiled without just cause. I can not help but sympathize even with men rightfully assaulted. As a schoolboy I read Cicero's great oration against

Cataline, and my heart went out to the lonely figure sitting on a bench in the Roman Senate by himself, deserted by his colleagues, withering under the fierce verbal fire of Rome's greatest orator.

When the black wolf of condemnation gnaws on your soul you need sympathy and help. And God pity anyone whose prey is man's good name.

Good name in man and woman, dear my lord,
Is the immediate jewel of their souls.
Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him
And makes me poor indeed.

We are prone to condemn too hastily at times. It is wrong. Instead of heaping blossoms on men's graves it is better to strew them along the highways of their lives; instead of chanting praise in dead ears, whisper them or shout them into living ears when storm and stress and strife assail men, as we all are assailed some time in our lives. If the men and women who pour their tears upon our graves had lent their sympathy, encouragement, and strength in our years of life, when just one heart could turn a losing fight, how much better it would have been. And for heaven's sake let us not allow the House to descend to the low level of an up-country court hearing a divorce case. Do not justify people in drawing hurtful comparisons between Congress now and Congress years ago.

There is so much good in the worst of us and so much bad in the best of us that it hardly becomes any of us to talk about the rest of us.

In the meantime, let us still believe in the men and women of to-day. [Applause.]

Mr. BLANTON. Will the gentleman yield for a question?

Mr. TILLMAN. I shall be glad to yield.

Mr. BLANTON. After all if a man would just do right and do his duty, these little newspaper criticisms would not hurt him; is not that true?

Mr. TILLMAN. I quite agree with the gentleman.

SALARIES OF POLICEMEN AND FIREMEN, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 10144) to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924 (Public, No. 148, 68th Cong.), be, and the same is hereby, amended as follows:

In section 2, after the words "battalion chief engineers," strike out the figures "\$3,050" and insert the figures "\$3,250," in accordance with an amendment of the Senate to the bill H. R. 5855, which was not included in the engrossed amendments to said bill as transmitted to the House of Representatives.

Mr. BLANTON. Mr. Speaker, I desire to use only about two minutes. This bill simply corrects an error and is all right and, I think, should be passed.

But, on another subject, I want to call attention to the action of our commissioners which is depriving 1,070 policemen and over 700 firemen of something that they are entitled to by law, to wit, a day off each week in lieu of Sunday. Just before we adjourned Congress passed an act which, after the 1st of July, 1924, gave to every policeman and every fireman in the District a day off each week in lieu of Sunday. To those who could have Sunday off, it gave them Sunday, and to those who could not have Sunday off, it gave them another day in each week in lieu of Sunday. This was something they were entitled to, because every other Government employee in Washington had Sunday or a day in lieu of Sunday. So it gave them nothing more than all the others enjoyed already, and Congress intended they should have it. But in the bill, realizing that there could arise a condition where there would be a great emergency of a temporary nature for all policemen and all firemen to be on duty constantly, the Congress provided that the commissioners would have the right to declare

an emergency, so that all would have to be on duty every day during the emergency. This did not mean a so-called theoretical emergency which did not exist and could cover months and perhaps years. No such emergency has existed since July 1, 1924. It meant a condition of great riot; it meant a condition where people's lives might be in danger, either by public enemies or by fire during a certain interim and of a temporary nature.

Yet right in the face of the direction made by Congress to the District Commissioners that beginning July 1, 1924, they should give to each fireman and each policeman in the District a day off each week in lieu of Sunday, not a single fireman and not a single policeman has been granted his day off each week, but has been denied same. They have had to work seven days each week when all other employees of the Federal Government have had their one day off each week.

And since July 1, 1924, there has been in the District of Columbia no such emergency as Congress intended such as would authorize the commissioners to deny said firemen and police their one day off. And they have been denied their one day off unlawfully and without authority of law and against the direction of Congress, and the three Commissioners of the District of Columbia are responsible for it, and I hope that they will remedy it at once.

Ever since July 1, 1924, the Commissioners of the District have declared a constant emergency, when it has not existed in fact, and have prevented every one of the 700 firemen and 1,070 policemen from getting a day off in each week in lieu of Sunday, when they were lawfully entitled to same. We appropriated the money to employ the necessary additional men. Because all have not yet been recruited constitutes no emergency as was intended by Congress. I want to say from the floor publicly that such an unlawful denial of their rights ought to stop. These Commissioners of the District of Columbia ought to carry out the law passed by Congress, according to its full intent, and ought to give these men their day off. During the fire last Saturday night, where \$225,000 of property was destroyed at one time in one building, there were eight firemen injured and crippled, and some may be crippled for life. These 700 firemen risked their lives in trying to put that fire out for the public good. The commissioners have no right to deny these men a day off in lieu of Sunday that Congress gave them. I want to tell the commissioners that unless they immediately rescind this ridiculous emergency order which they put into effect they may expect some action by Congress to see that the will of Congress is carried out.

Mr. WATKINS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WATKINS. I think Congress made some distinction between the ordinary policemen and the nine policemen in the Zoological Park.

Mr. BLANTON. Yes; that is so, for every one was appropriated for except the nine in said park, but the gentleman from Illinois [Mr. MADDEN], chairman of the Committee on Appropriations, has said that that oversight will be corrected; that these nine men will be taken care of. Now Mr. Speaker, I do not care to use any further time and I yield the floor.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. ZIHLMAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ZIHLMAN. Is the bill open to amendment at this stage?

The SPEAKER. No. The amendment stage has passed. The question is on the passage of the bill.

The bill was passed.

TO QUIET TITLE TO LAND IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8662) to quiet title to original lot 4, square 116, in the city of Washington, D. C., and I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to substitute the bill S. 3053 for the House bill. The two bills are identical.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

The bill (S. 3053) to quiet title to original lot 4, square 116, in the city of Washington, D. C.

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to correct the records of the War Department in respect

of original lot 4, in square 116, in the city of Washington, D. C., the title to which the records of his office show to be in the United States, upon the filing by the present owners of the lot of sufficient proof that the said owners or the party under whom they claim have been in actual possession of the said lot for an uninterrupted period of not less than 20 years, so that the said records shall show the title to said lot to be in the said owners.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill (H. R. 8662) was laid on the table.

FLAG FOR THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 2430) to create a commission to procure a design for a flag for the District of Columbia, and for other purposes.

Mr. BLANTON. Mr. Speaker, I understood the gentleman was to call up noncontroversial bills. There is a great deal of opposition to this bill, and I hope the gentleman will pass this for the time being. That United States flag behind the Speaker's desk ought to be the flag for the District of Columbia.

Mr. ZIHLMAN. This only authorizes a commission.

Mr. BLANTON. I know; but it is foolishness, in my judgment, and I hope the gentleman will not call it up, because there will be a great deal of time taken and it is of such minor importance compared with other bills that the gentleman ought not to call it up now.

CAPITAL PUNISHMENT IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to lay that bill aside temporarily. I now call up the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia, and I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after the 1st day of July, 1924, the mode of capital punishment in the District of Columbia shall be by the process commonly known as electrocution. The punishment of death shall be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of such current shall be continued until such convict is dead.

SEC. 2. That the Commissioners of the District of Columbia are authorized and required, on the approval of this act by the President, to provide a death chamber and necessary apparatus for inflicting the death penalty by electrocution, to pay the cost thereof out of any funds available and not otherwise appropriated, to designate an executioner and necessary assistants, not exceeding three in number, and to fix the fees thereof for services, which shall be paid out of any funds available and not otherwise appropriated.

SEC. 3. That upon the conviction of any person in the District of Columbia of a crime the punishment of which is death, it shall be the duty of the presiding judge to sentence such convicted person to death according to the terms of this act, and to make such sentence in writing, which shall be filed with the papers in the case against such convicted person, and a certified copy thereof shall be transmitted, by the clerk of the court in which such sentence is pronounced, to the superintendent of the District Jail, not less than 10 days prior to the time fixed in the sentence of the court for the execution of the same.

SEC. 4. That at the execution of the death penalty as herein prescribed there shall be present the following persons, and no more, to wit:

The executioner and his assistant; the physician of the prison, and one other physician if the condemned person so desires; the condemned person's counsel and relatives, not exceeding three, if they so desire; the prison chaplain and such other ministers of the gospel, not exceeding two, as may attend by desire of the condemned; the superintendent of the prison, or, in the event of his disability, a deputy designated by him; and not fewer than three nor more than five respectable citizens whom the superintendent of the prison shall designate, and, if necessary to insure their attendance, shall subpoena to be present. The fact of execution shall be certified by the prison physician and the executioner to the clerk of the court in which sentence was pronounced, which certificate shall be filed by the clerk with the papers in the case.

SEC. 5. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. CHINDBLOM. I would like to ask the gentleman from Maryland how he construes this language which occurs at the end of section 2, with reference to money to use to purchase a

death-chamber apparatus for the infliction of the penalty of death. I refer to the language as follows:

which shall be paid out of any funds available and not otherwise appropriated.

What money has the District of Columbia which may be said to be "not otherwise appropriated"?

Mr. ZIHLMAN. There are fees and commissions which are paid into the treasury of the District.

Mr. CHINDBLOM. The money for the District is appropriated by Congress?

Mr. ZIHLMAN. All money is appropriated by Congress.

Mr. CHINDBLOM. Does this refer to money appropriated by Congress or money appropriated by the commissioners?

Mr. BLANTON. If the gentleman from Maryland [Mr. ZIHLMAN] will permit, I think I can answer the gentleman from Illinois.

Mr. ZIHLMAN. I yield to the gentleman.

Mr. BLANTON. There are fines and forfeitures credited to the District that amount to quite a large sum, which come from the courts. There are other fees that come from the insurance department of the government that are credited up to the District, and there is some property that the District rents and receives revenue from. There is other revenue that comes in to which the District of Columbia has access.

Mr. CHINDBLOM. Let me ask the gentleman if the District Commissioners or the District government have any authority to expend any money for which appropriation has not been made by Congress?

Mr. BLANTON. They have not unless we pass this bill. If we pass this bill they can spend the small amount of money that this bill would require out of such credits and account to the Treasury for it.

Mr. CHINDBLOM. I am going to assume that the committee in this House and also in the other body having jurisdiction of this matter understands this question.

Mr. BLANTON. I shall be very frank with the gentleman and state that I would much prefer to have the gentleman or some one offer an amendment providing that instead of coming from these fees the money must come from Congress, and there should be inserted the language, "such money as the Congress may appropriate." Then, let it come from Congress. I think it is wiser. I think somebody ought to offer an amendment to that effect. There are so many bigger things from this committee than this which require my time—and this amounts only to about a thousand dollars, or \$2,000 at most—that I prefer to use my time on larger bills, as for instance, a bill coming up in a few minutes involving four and a half million dollars.

Mr. CHINDBLOM. Mr. Speaker, I move to amend, on page 2, line 7, by striking out the words "available and not otherwise," and inserting in lieu thereof the word "hereafter."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CHINDBLOM: Page 2, line 7, strike out the words "available and not otherwise," and insert in lieu thereof the word "hereafter."

Mr. CHINDBLOM. So that the clause will read: shall be paid out of any funds hereafter appropriated.

Mr. ZIHLMAN. I have no objection to the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, in lines 3 and 4, on page 2, I offer the same amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CHINDBLOM: Page 2, lines 3 and 4, strike out the words "available and not otherwise," and insert in lieu thereof the word "hereafter."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. LINTHICUM. Mr. Speaker, I wanted to ask the gentleman from Maryland [Mr. ZIHLMAN] a question before the bill

was put upon the third reading. What is the expense estimated under this bill?

Mr. ZIHLMAN. Mr. Speaker, the gentleman from South Carolina [Mr. GASQUE] made an investigation of this matter, and reported the bill, and I do not feel competent to answer the question. I do not know. I would say that the expense would not be very great.

Mr. WATKINS. The probable cost of putting in such a plant as this was investigated in Oregon, and I am informed that it was found to cost anywhere from fifteen to twenty thousand dollars, whereas a rope will cost about 20 cents.

Mr. BLANTON. Oh, the gentleman is mistaken about that. We have facilities here that can be used.

Mr. WATKINS. There are no more facilities in the District of Columbia than there are in Oregon, and not as many. You will find that it will cost from fifteen to twenty thousand dollars to put in the plant that you need with which to electrocute people. Why go to that expense when a 20-cent rope will suffice?

Mr. BLANTON. The gentleman probably has more trees and more rope in Oregon, but not more electricity.

Mr. GASQUE. Mr. Speaker, my investigation here showed that it would cost something between one and two thousand dollars. That was the information that I received from the authorities.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the bill was passed.

ADJUSTMENT OF ACCOUNTS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia, and move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 703. Pending that motion I ask the gentleman from Texas whether we can not agree upon a division of the time.

Mr. BLANTON. Mr. Speaker, there should be at least an hour and a half on a side on this bill. There ought to be more; but that will be agreeable if the gentleman from Maryland will secure such an agreement. I think there ought to be two hours on a side where the bill involves as much as four and a half million dollars.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that general debate upon the bill be limited to three hours, one half to be controlled by the gentleman from Texas and the other half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the time for general debate shall not exceed three hours, one-half to be controlled by himself and one-half by the gentleman from Texas. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Maryland that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 703.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 703, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 703, which the Clerk will report.

The Clerk read as follows:

An act (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. ZIHLMAN. Mr. Chairman, this Senate bill is before the House as a result of the investigation made of the surplus revenues of the District of Columbia by act of Congress. The committee appointed under that act were Senators Phipps, of Colorado; Ball, of Delaware; Harris, of Georgia, and Representatives Evans, of Nebraska; Hardy, of Colorado, and Wright, of Georgia.

Mr. BLANTON. Which one was chairman?

Mr. ZIHLMAN. Senator Phipps was chairman of the committee. The committee made a report finding a true surplus of \$4,438,154.92, and this bill proposes to credit that money to the District of Columbia. The report of the committee was unanimous with the exception of former Representative Evans, who

made a minority report disagreeing with the findings of the committee. This amount was found after an extensive investigation, the employment of an auditing firm from Baltimore, to be the funds of the District of Columbia which were appropriated and not used and which remained in the Treasury of the United States but which belonged to the District of Columbia just as much as the other 50 per cent formerly appropriated belongs to the Federal Government. These appropriations were made from time to time and not used.

Mr. SNELL. Will the gentleman yield for a question now, or would he prefer to go on and yield later?

Mr. ZIHLMAN. I will yield now.

Mr. SNELL. In the original resolution providing for this investigation it said that this committee should investigate back to 1874, if I remember correctly, and it only made an investigation back to 1911. I find that in reading Mr. Evans's report. What was the reason for that?

Mr. ZIHLMAN. I will say in my reading of the report I find items referred to far back of 1911. It was my impression that they investigated back to the time of the organic act.

Mr. SNELL. That was the intention of the original resolution, but Mr. Evans in his report makes the statement they only examined as far back as 1911. Now, there ought not to be any doubt about that fact.

Mr. BLANTON. There is no doubt about it, the report shows it; their hearings show it. There is no question but they did not go back of July 1, 1911, but merely accepted as covering the entire fiscal relations, two reports of other auditors which, according to former chairman, BEN JOHNSON, covered only certain specified items that arose during certain years in the period from 1874 to 1911.

Mr. SNELL. They were definitely authorized by the Congress to go to the time of the passage of the original organic act creating the District. It seems to me they were under obligation to do that before they presented a report to the House of Representatives and the Senate. I would like to know what the gentleman from Maryland has to say in regard to that?

Mr. ZIHLMAN. The only thing I can say to the gentleman is I understand from my reading of the report they had gone back and taken into consideration various dedicated appropriations which were not used and which should be credited to the District of Columbia.

Mr. SNELL. The gentleman was not a member of the committee. Did Mr. Evans or Mr. HARDY—

Mr. ZIHLMAN. The gentleman from Colorado [Mr. HARDY] was a member of the committee which made the investigation.

Mr. SNELL. In reading the statement of Mr. Evans, one of the members who did a great deal of work on that committee, and knowing the carefulness with which he went into matters, he made a definite statement which I am constrained to believe is correct. If that is correct, it does seem to me it would not be proper material to consider in the House at the present time.

Mr. ZIHLMAN. I will say to the gentleman if that be true that should not weigh in the gentleman's mind against the favorable consideration of the surplus funds which existed since 1911.

Mr. SNELL. Perhaps if they went back it would be \$10,000,000 instead of \$4,000,000.

Mr. ZIHLMAN. There have always been some funds appropriated that were not used.

Mr. SNELL. But at the time we created that commission the idea of the House was that the commission should go over the whole matter and end it once for all, was it not?

Mr. CRAMTON. Mr. Chairman, if the gentleman will yield, I want to state this, that I was one of the conferees on the District bill at the time the item was placed on the bill for this investigation, and that investigation would not have been agreed to by the conferees unless we had been permitted to write in there the language carrying it back to 1874 for the whole investigation, and a further provision defining the scope of the investigation of certain specific matters. The committee that made the investigation absolutely ignored those matters that were put in at the instance of the House conferees, and it was a jug-handled proposition from start to finish. They investigated what suited them to investigate, and did not investigate that which was put into the law at the instance of the House.

Mr. SNELL. Then am I right in my contention that they did not go back beyond 1911?

Mr. CRAMTON. The gentleman is right in that contention, and he is also right if the gentleman contends that they did not investigate many matters that the law intended them

to investigate. Without that language in there there would have been no agreement to that investigation. I am sure of that because I was one of the conferees.

Mr. ZIHLMAN. I will state to the gentleman that the very first item in the statement showing the expenditures made relates to moneys advanced by the United States to the District of Columbia for extraordinary improvements between the years 1902 and 1910.

Mr. BLANTON. Will the gentleman yield for just one moment?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. The law specifically directed this commission to go back to July 1, 1874. I put excerpts from the hearings of this commission into the Record last Saturday showing conclusively that the commission did not go behind June 30, 1911. The gentleman will find them in the Record.

Mr. SNELL. I have read them.

Mr. BLANTON. And they show that when they reported this matter to Congress for the payment of nearly \$4,500,000 they did not go back beyond June 30, 1911, and the question then came up in the hearings of the commission itself whether or not they were complying with that direction of Congress. The chairman of the commission and another member of it claimed that they did not have the time to go back to 1874 and did not have the money to go back to 1874 as directed by Congress, and in order to obtain the money necessary they would have to go back to Congress for it; hence they did not go back of 1911. Not an item back beyond that was considered by the committee.

Mr. GILBERT. Mr. Chairman, will the gentleman yield there? I would like to call to the gentleman's attention a short extract from the report of the commission.

Mr. ZIHLMAN. I would prefer that the gentleman would do that in his own time.

Mr. GILBERT. I just want to call attention to this, that the committee say in their report that a further investigation was unnecessary, and they gave their reasons.

Mr. ZIHLMAN. Well, I wish the gentleman would read the reasons.

Mr. GILBERT. The report says:

No witness appearing before the committee has testified that a further detailed audit would be advisable, while, on the other hand, the citizens' joint committee, Representative JOHNSON of Kentucky and Mr. Thomas Hodgson, an employee of the Treasury Department, who stated the account for the District for more than 30 years, have all spoken against the necessity for or advisability of the same. No witness who has testified before the committee has been able to bring up any items of dispute which have not been investigated.

Your committee therefore believes that a further detailed audit would be a decided waste of time and money and would serve no good purpose. Neither is the same necessary, according to our belief, under the provisions of the act of June 29, 1922, which must be considered with reference to their practical effect.

Your committee therefore recommends that the investigations already made be taken as a basis upon which definite and final action should be had by the Congress.

For those reasons they did not go back.

Mr. ZIHLMAN. I wish to make a brief statement, and then I will yield time to any gentleman who desires time on this subject.

There has been no question raised but that this money was appropriated, and there should be no question as to its being credited to the funds of the District of Columbia and appropriated by Congress for District needs. The District of Columbia is now going through a period of transition in its fiscal relations with the Federal Government.

In 1878 Congress passed a law providing that the Federal Government should bear one-half of the expense of government here in the District of Columbia, and this was adhered to up to a few years ago, either in 1920 or in 1921, when Congress, by legislation on an appropriation bill, changed the 50-50 relationship existing between the District of Columbia and the Federal Government to a 60-40 system, providing that the District government should pay 60 per cent and the Federal Government 40 per cent of the expenses of the District of Columbia. Last year in an appropriation bill, contrary to existing law, by legislation on an appropriation bill, Congress provided for a lump-sum payment as the Federal Government's contribution to the expenses of the District of Columbia.

Now I am one of those who voted for the budget law—something that had been agitated as a separate bureau or branch of the Government for a quarter of a century; and I am of the opinion that it has been fairly successful in its

working as it relates to the various governmental departments. But I contend that this system, as applied to a municipality such as Washington is, is wrong and not productive of the best results in municipal government. If Congress is going to limit its contribution to the expenses of government here to a lump sum, which last year was \$9,600,000, then the taxpayers of the District are entitled to a more liberal attitude on the part of the Bureau of the Budget, who make up the estimates for submission to Congress, not only for the District of Columbia but also for all the various activities of the Government.

By what reasoning can we justify the wholesale slashing of the estimates submitted by the District Commissioners? Those estimates are made up by the executive officers of the District covering a period of 12 months, and are by them submitted to the District Commissioners, and after they have carefully gone over the same and approved the same they are sent to the Budget Bureau, and the Budget Bureau, seemingly with only one aim in mind, simply by the process of subtraction, reduces these estimates below the actual needs of the District of Columbia.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. I would prefer to have the gentleman wait until I finish this statement.

Some time ago this House spent an entire afternoon considering a bill authorizing an appropriation of \$1,000,000 for park purposes here in the District of Columbia, providing for the future needs of the District by authorizing a commission to acquire land in the States of Maryland and Virginia; and this authorization, which was made last June, and which did not carry anything for the fiscal year ending June 30 of this year, went to the Bureau of the Budget; and the Bureau of the Budget, notwithstanding the fact that Congress had voiced its sentiments in this matter—had voted down an amendment limiting the funds to \$600,000 each year and had voted down an amendment limiting the period of years to be covered by the act, limiting its operation to 10 years—notwithstanding that fact, the Bureau of the Budget simply cut the authorization to \$600,000, and from advance information we have from the newspapers the appropriation of \$600,000 is not to be made, although it was to cover a period from the time of the passage of the act last May to June 30, 1926.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. The gentleman refers to the fact that the House voted down an amendment to lower the maximum that could be appropriated in any year. The fact that the House voted down an amendment to reduce the maximum that could be appropriated in any year does not mean that the maximum which was carried in the bill would have to be appropriated every year.

Mr. ZIHLMAN. I agree with the gentleman as to that, but I agree only in part. It is a question which you Members of Congress who are members of the various legislative committees—the Committee on Military Affairs, the Committee on Naval Affairs, and so on—should consider. Why should a committee meet day after day to consider legislation and authorize appropriations—because it has no power to appropriate money—and then have the Appropriations Committee and the Director of the Budget cut down the sum appropriated by Congress? We might just as well have spent the afternoon in viewing a ball game as to have spent the afternoon here in passing such a bill.

Mr. CARTER. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CARTER. Does the gentleman contend that when an authorization is made that the Committee on Appropriations or the House is thereby bound to appropriate the full amount of that authorization? Does the gentleman think that such authorization takes away from the committee all discretion as to the recommendation to be made?

Mr. ZIHLMAN. Well, I would not go as far as to say that it takes away all authority in the premises, but this is an act of Congress, and when Congress authorizes money to be appropriated for a proposition and the actual needs of that proposition—such as this park proposition—are fully as much as the authorization, I believe Congress is in duty bound to carry out its formally expressed will and make that appropriation. We are now told, through advance information published in the newspapers, that the appropriation is to be cut out entirely and that nothing is to be appropriated for the fiscal year ending this year and the fiscal year ending June 30, 1926.

Mr. CARTER. I do not know anything about the gentleman's proposition per se, but I do take issue with him when

he states that when an authorization is made by Congress that Congress is in duty bound to appropriate that money, because I think discretion is still left with Congress to say whether or not it will appropriate that amount.

Mr. ZIHLMAN. But even agreeing with the gentleman from Oklahoma and admitting that that proposition is true, here is a proposition that has received the careful attention of the Congress, an authorization has been made and this money is to be appropriated and paid entirely by the taxpayers of the District of Columbia, and not one penny will come from the Federal Treasury; therefore, what justification is there for the Director of the Budget in cutting this sum when the District Commissioners must levy a tax rate that will raise the funds?

Mr. CARTER. The only justification I can see is the duty which Congress owes to the taxpayers of the District.

Mr. DALLINGER. Will the gentleman from Maryland yield for the purpose of permitting me to ask a question of the gentleman from Oklahoma?

Mr. ZIHLMAN. Yes.

Mr. DALLINGER. I would like to ask the gentleman from Oklahoma this question: If Congress authorizes a certain salary of \$5,000 a year does the gentleman think the Director of the Budget is justified in appropriating money enough only to pay \$3,000?

Mr. CARTER. The Budget has no power to appropriate; all the Budget can do is to recommend.

Mr. DALLINGER. But the Committee on Appropriations follows the recommendations of the Budget.

Mr. CARTER. The Budget has the power to recommend what it thinks is necessary, and I presume that if the Budget officers decided that a \$3,000 man had been put on the job the proper thing for them to do would be to recommend only \$3,000.

Mr. DALLINGER. Does not the gentleman know that when this matter of parks was taken up it was the intention—and Congress so understood—that that amount of money, \$1,100,000, was to be spent each year on a comprehensive park system, and the idea of Members who voted for it was that they were going to get the parks?

Mr. CARTER. I do not recall, and I told the gentleman from Maryland that I knew nothing about his proposition per se. What I was speaking about was the principle that Congress was bound to appropriate the amount that was authorized and would appropriate that amount. I took issue with the gentleman from Maryland because he said Congress was in duty bound to do that.

Mr. DALLINGER. Let me ask the gentleman from Oklahoma this question: What is the use of having committees pass these authorization bills if the Budget Bureau and the Committee on Appropriations are going to pay no attention to them?

Mr. CARTER. The Budget Bureau recommends and the Committee on Appropriations simply recommends to the House. Now, the reason for it is simply this: That the conditions might be completely changed after the authorization was made—within the next year or the next five years—and it might not be necessary to appropriate the full amount. If the gentleman should proceed upon the theory that because an amount is authorized it must be appropriated by Congress, then there would be no necessity for an Appropriations Committee; you might as well make the appropriation and not fool with an authorization.

Mr. CRAMTON. If the gentleman from Oklahoma will permit, I would like to say to the gentleman from Massachusetts that this authorization was not a stated, fixed amount, but is to be "not more than" a certain amount. Now, answering the gentleman's former question, if the law provides a salary of not more than \$10,000 a year the Budget is not bound to recommend \$10,000, and in the case of this park system it would be an absurdity to say that there must be an appropriation of \$1,200,000 each year perpetually. Eventually you would own all of the States of Maryland and Virginia.

Mr. DALLINGER. But does not the gentleman from Michigan think the intention of Congress was that a large sum of money should be appropriated each year to acquire land for parks in the District of Columbia before the land was taken up by private enterprises?

Mr. CRAMTON. What I am now saying is not to be taken as opposing a liberal appropriation this year or next year, but I do not want the idea to gain ground that when Congress authorizes an appropriation of not more than a certain amount, we have to each year, perpetually, appropriate the maximum.

Mr. DALLINGER. Of course, we do not have to, and no one claims that.

Mr. CHINDBLOM. If the gentleman will permit me to make the suggestion, the Holman rule exists for the very purpose of reducing appropriations by amendments, which otherwise would be out of order.

Mr. BLANTON. Will the gentleman from Maryland yield to allow me to answer that question?

Mr. ZIHLMAN. The gentleman is rather lengthy in his answers and I would prefer him to answer in his own time.

Mr. BLANTON. The gentleman from Maryland may want me to yield to him to explain some statements and I always yield.

Mr. ZIHLMAN. I yield.

Mr. BLANTON. Let me say to the gentleman from Massachusetts that when this \$1,100,000 park bill was before the House for passage and some objection was raised to it because the amount was too large to spend every year, the member of the committee having in charge that bill took the position on the floor of the House that because we authorized the appropriation was no reason why the Committee on Appropriations would have to furnish the money, and stated that the Committee on Appropriations could determine that matter, after all, by the amount of money they gave, and it does not behoove them now to come on the floor and complain because the Committee on Appropriations has seen fit to exercise its prerogatives in cutting the authorized appropriation down it has not done its duty. I agree with the gentleman from Oklahoma [Mr. CARTER] on the proposition.

Mr. DALLINGER. Does the gentleman from Texas mean to say that the power of the Committee on Appropriations to exercise its discretion justifies it in cutting the appropriation down to nothing?

Mr. BLANTON. Yes; if it wants to, and I am glad it has the power to do that. It is the only way on earth we have of saving money for the Government.

Mr. DALLINGER. Then, what is the use of passing authorization bills?

Mr. BLANTON. Most of the time they furnish the money, but once in a while they do use wise discretion and cut the amount down.

Mr. CARTER. The use of having an authorization is to restrict the committee in its recommendation.

Mr. BLANTON. And is to prevent points of order from being made.

Mr. ZIHLMAN. Mr. Chairman, no one questions the need of the District of Columbia for additional park space. I have particularly in mind the fact that we have now on the calendar a Senate bill authorizing the purchase of three tracts of land, one of them a very large tract and two of them smaller ones. Since that legislation has been considered by the District Committees of the two Houses, a part of one of those tracts has been covered over with a considerable amount of dirt from excavations made on near-by land, and a part of it is now not available. The trustees controlling the estate which is the present owner of the larger tract of the three, I am told, are not in favor of selling. After a most careful investigation by the District Commissioners and the committees of the two Houses, the proper safeguards being thrown around it, they have authorized by a report the purchase of this land, and now we are told that for this year and for the past year when the authorization was law, nothing will be appropriated for that purpose.

There is no one questions the need of the District for extensive street improvement. There is great necessity for the extension of the water mains in growing sections of the city and extension of the sewer system of the District of Columbia. The needs of the District are many, and why should not this \$4,438,000, which has been found to belong to the District, levied as taxes upon the District, be made available to be appropriated by Congress for the building of new schools and for the improvement of streets and for the extension of water mains and for the extension of sewage mains in the District of Columbia?

The committee, after a most careful investigation and after a complete audit, has found this sum as a free surplus which should be available for the needs of the District. The question has been raised as to whether Congress, because of the 50-50 policy, because of the fact they appropriate dollar for dollar to meet these needs, should not be in duty bound to appropriate a like sum in dedicating this money and authorizing its use for improvements here in the District of Columbia.

I sincerely trust that this bill, which is a Senate bill and which has passed that body and has been adopted by the District Committee of the House, will be adopted.

Mr. Chairman, I reserve the balance of my time.

ADJUSTMENT OF ACCOUNTS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The committee resumed its session.

Mr. BLANTON. Mr. Chairman and gentlemen of the committee, if the membership of this House could be here on the floor now and hear the indisputable facts that I am going to put before you, this bill would have no chance whatever on earth of passing, because the membership would be forced to the conclusion that it has no place here at this time.

I am going to show you by the record that in 1922 this Congress—

Mr. LINTHICUM. Mr. Chairman—

Mr. BLANTON. I wish the gentleman would let me make my statement first, and then I will yield.

Mr. LINTHICUM. Mr. Chairman, I think this bill is of sufficient importance to have a quorum, and I make the point there is no quorum on the floor.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-five Members present, not a quorum.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise, and on that motion I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Maryland [Mr. ZIHLMAN] and the gentleman from Texas [Mr. BLANTON].

The committee divided; and the tellers reported that there were no ayes and 70 noes.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 25]

Abernethy	Dickstein	Lee, Ga.	Rogers, Mass.
Aldrich	Dominick	Lindsay	Rogers, N. H.
Anderson	Doyle	Logan	Sabath
Arnold	Drewry	McFadden	Sanders, Ind.
Ayres	Driver	McKenzie	Schafer
Barkley	Eagan	McLaughlin, Nebr.	Schall
Beedy	Edmonds	McLeod	Sears, Nebr.
Begg	Fairchild	McNulty	Shallenberger
Berger	Faust	MacGregor	Sherwood
Black, N. Y.	Fish	Martin	Sites
Bloom	Frear	Mead	Smithwick
Bowling	Fredericks	Michaelson	Sprout, Kans.
Boylan	Freeman	Mills	Strong, Pa.
Briggs	French	Mooney	Sullivan
Britten	Fulbright	Moore, Ill.	Thompson
Browne, N. J.	Fulmer	Morin	Tillman
Buckley	Funk	Morris	Tincher
Burness	Gambrell	Nolan	Tinkham
Butler	Garber	O'Brien	Tucker
Canfield	Geran	O'Connell, N. Y.	Vare
Carew	Glatfelter	O'Connell, R. I.	Vestal
Celler	Goldsbrough	O'Connor, La.	Vinson, Ga.
Clague	Graham	O'Sullivan	Voigt
Clancy	Green	Oliver, N. Y.	Ward, N. Y.
Clark, Fla.	Griffin	Paige	Ward, N. C.
Cole, Ohio	Hawes	Perkins	Watson
Collins	Hickey	Perlman	Weller
Connolly, Pa.	Hull, Morton D.	Phillips	Welsh
Corning	Jacobstein	Porter	Wertz
Croll	Kent	Purnell	Wilson, Ind.
Crowther	Kerr	Quayle	Wingo
Cullen	Kiess	Ragon	Winslow
Curry	Kindred	Ransley	Winter
Davey	Knutson	Reed, Ark.	Wolf
Davis, Minn.	Kunz	Richards	Woodrum
Deal	Langley	Roach	Wyant
Dempsey	Larson, Minn.	Robinson, Iowa	
Denison	Leach	Robison, Ky.	

The committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill S. 703, had found itself without a quorum, and the roll being called, 281 Members answered to their names, and he presented a list of the absentees for printing in the Journal and RECORD.

The committee resumed its session.

Mr. BLANTON. Mr. Chairman, out of the hour and a half allotted I yield myself 20 minutes.

The CHAIRMAN (Mr. TILSON). The gentleman has used three minutes.

Mr. BLANTON. I yield myself 20 minutes in addition to the 3 minutes. Mr. Chairman and gentlemen, I did not call you gentlemen over here, but someone else did. I am glad you are here for I believe that if you will give me your attention and let me place some indisputable facts from the record before you this bill will not have any chance on earth to pass.

This bill involves \$4,438,154.78 of the people's money in the United States Treasury. The people of the District of Columbia are asking you to take it out of your constituents' Treasury and give it to them to spend. So the sum is large enough to warrant some consideration by you.

I am going to prove to you by the record that the commission that was appointed by Congress to investigate this matter did not carry out the will of Congress. I am going to show you by the record that you instructed that commission to go back to July 1, 1874, and make an accounting between the Government and the District. I am going to show you that instead of going back to July 1, 1874, like you instructed them to do, this commission did not go behind July 1, 1911; that they investigated only the fiscal affairs for 11 years. I am going to prove this by their own hearings.

Now, if they did not carry out the instructions given them by Congress, if what the gentleman from Michigan [Mr. Crampton] said is true, and it is true, that if you had not put into the resolution that they should go back to July 1, 1874, it never would have passed when the legislative rider was put on the bill in 1922, then their report is of no value whatever.

I am going to show that in the hearing of the commission, when the commission reported this matter to Congress, the question was then raised in the commission by our distinguished colleague, Mr. Wright—and I commend him for it—that they had not done what Congress told them to do. He said Congress told us to go back to July 1, 1874, and we have only gone back to July 1, 1911. We have not done what Congress said we should do. The commission then said in their hearing, "We have not the money; we have not had time to do what Congress told us, and we will make a report on what we have done." Instead of going back to July 1, 1874, as directed, they brought in a report and asked us to give the District \$4,438,154.78.

I am going to show you that the auditor of this District, Mr. Donovan, says that the reason they did not go back of 1911 is because our colleague from Kentucky, Mr. BEN JOHNSON, had done that. The gentleman from Montana [Mr. Evans], our colleague, who filed a minority report, says that the man who knows most about the fiscal relations of the District and the Government is BEN JOHNSON of Kentucky. Mr. Donovan, the auditor, said that the reason they did not go behind 1911 was that BEN JOHNSON, when he was chairman of the Committee on the District of Columbia, had auditors to investigate that period from July 1, 1874, up to July 1, 1911, and that he had an account and auditing for that period. I am going to show you that instead of that being the case—I will show you over the signature of the gentleman from Kentucky [Mr. JOHNSON] that he did not do it; that he did not go back to 1874, but his audits covered only certain specific items, and instead of our owing the District \$4,438,154.78, he said that the District owes the Government and the people \$50,000,000. That is the statement of Mr. BEN JOHNSON.

Now, let us see what the facts are as shown by the record. Here is what we authorized this commission to do. Let me call your attention to this. That was not a bill that came from a legislative committee, but it was a rider on an appropriation bill that created this commission, and you did not have an opportunity to come in and consider it and pass your judgment on it.

You did not have a chance to argue it. It was a legislative item put on an appropriation bill, not from the floor of the House where you were considering the bill, but it was a rider put on in conference and you knew nothing about it. I warrant that there were not 25 Members of Congress who knew about the creation of that commission when those 5 members of the Committee on Appropriations met in conference with Senators and put it on. Here is what Congress said—and I read from the act of June 29, 1922, that created this commission:

A joint select committee composed of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is created and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District.

If we directed them to go back to July 1, 1874, and they went back only to July 1, 1911, then they have not carried out our instructions and their report comes to us prematurely, and it ought not to be considered by us. Let me show you that they did not go back of July 1, 1911. I read from the hearings of this commission itself, presided over, as was stated by the gen-

tleman from Maryland, by the Senator from Colorado [Mr. PHIPPS]. Listen to the question that came up when they made this report. I read from their hearings:

Representative WRIGHT. Mr. Chairman, I am impressed that the legislation which created this committee contemplated that the entire period from 1874 on up should be covered, and, if it be necessary, to render a report which would finally settle these mooted questions between the United States and the District of Columbia; in other words, when this report shall have been filed that Congress can take such action upon it as will finally set at rest these disputed items. I think that was thoroughly in contemplation when the legislation was passed.

Now, the chairman has suggested that only 11 years of that period have been covered, and that that, coupled with the formal report, might clear up the situation so that a comprehensive report might be submitted by this committee.

It has developed that the examination of those 11 years alone has consumed practically all the time—

Representative HARDY of Colorado. And all the money.

Representative WRIGHT (continuing). And all the money; so that this committee has very little time to formulate a report, and the question arises as to whether we have sufficient data or information now to render that report.

This thought occurs to me: What would be the status of this committee after the 29th of February, which is the date fixed as that upon which we should render this report? If we submit a preliminary report, would we not necessarily have to ask Congress to extend our time and make an additional authorization of appropriation for the work?

Senator BALL. Would you suggest a preliminary report?

Representative WRIGHT. I think that would be the sensible thing to do. I hardly see how it would be physically possible for this committee to thoroughly investigate all of these items, with the issues which have been raised here, between now and the first Monday in February.

Senator BALL. Personally I would rather submit no report until we were ready with our final report. We might make a statement in this preliminary report, if one were submitted, that we would find afterwards was not well founded and it would be in existence and would be quoted in the future, probably, against our final report.

Representative WRIGHT. I would certainly want to avoid what the Senator suggests. If you made a preliminary report, it would not particularly bind anybody. My idea would be to have Haskins & Sells submit a preliminary report.

The CHAIRMAN. A preliminary report could be in two forms, as I see it, one including the figures or recommendations and another which would be practically a report of progress with an explanation of the situation that has developed.

Senator BALL. That is the kind of report I would like to see.

The CHAIRMAN. With a recommendation for further time and, if necessary, that further money be allowed for the purpose.

But without asking for further time, without asking for further money, that committee brought in its premature report, having gone back only to 1911, when they should have gone back to 1874, and when they discussed and realized that they should have gone back to 1874, and they recommend that this Congress take \$4,438,154.78 out of the Treasury of the United States and hand it over to the people of the District. Let us see what Congressman Evans says about it in his minority report—and I want to commend that splendid Representative, whom we have lost from our midst, who has gone home to serve his people in a private capacity. He made a splendid report upon this.

Mr. HUDSPETH. Is that Mr. Evans, of Nebraska?

Mr. BLANTON. Yes. He says that he can not agree with that commission, and he tells you the following reasons, first in brief, and then goes on and expatiates them:

The undersigned is unable to agree with the findings and conclusions of the majority of the committee for the following reasons:

- (1) The construction of the act raising the committee as made by the majority report is erroneous, and the same objection lies as to the construction or effect of other acts bearing upon or affecting the matter investigated by the committee.
- (2) The investigation made by the committee has covered neither the period nor the extent that Congress directed.
- (3) The finding by the majority of a balance or surplus of \$4,438,154.92 as due to the District of Columbia is not supported by facts or law.

The language of the act under which the committee was created is clear and positive in its authorization and directions. There is, as to the points upon which the majority of the committee and the writer differ, no ambiguity in the language of the act.

The purpose Congress had in creating the joint select committee was to discover and report to Congress all facts bearing on the fiscal relations between the District of Columbia, hereinafter called the

District, and the United States, hereinafter called the Government, in order that Congress might be able to determine the exact state of such fiscal relations. Such a discovery and report has not been made.

The alleged surplus reported by the majority of the committee is not based on such facts or information so gathered, because not all of such facts or information was gathered or searched for. In addition it was desired to have fixed accurately and authoritatively the amounts contributed by the District and the Government, respectively, for "maintaining, upbuilding, or beautifying said District, or for the purpose of conducting its governmental activities and agencies or for the furnishing of conveniences, comforts, and necessities to the people of said District." This direction of Congress has been ignored or so performed as to amount to a disregard of the congressional mandate.

I

The construction of the act raising the committee as made by the majority is erroneous, and the same objection lies to the construction of other acts bearing upon or affecting the investigations by the committee.

The act "authorizes and directs" inquiry into all matters pertaining to the fiscal relations between the District and the Government since July 1, 1874.

First, there is no question but that the act is mandatory. It is not left to the choice or desire of the committee or a majority of the committee to determine whether it is best or proper or just to go into the subject matter presented for inquiry, and the act is equally specific as to the extent. It covers "all matters" pertaining to the fiscal relations * * * since July 1, 1874.

What did the committee do under this authorization and direction? It secured the services of Haskins & Sells, accountants, and secured through them an audit of the District general fund from June 30, 1911, to June 30, 1922. It secured a calculation and stating of the amount of interest on a portion only of the fund found due from one to the other. It inquired of certain persons if they knew of any other items unsettled in the accounts between these interests. It had submitted to it a report of a previous audit made by persons in no way responsible to it, and so far as known such report could not be vouched for as a complete and comprehensive audit of the period prior to June 30, 1911.

They did not go beyond June 30, 1911, except to consider two reports previously made at the instance of Congressman JOHNSON of Kentucky on only certain items of certain years. We directed them to go back 48 years. They went back only to June 30, 1911. They did not cover 37 years of the investigation that we directed them to make. Just to segregate 11 years and leave out the other 37 is not to act in conformity with the direction of Congress. They had no right to presume that an audit had been made balancing accounts up to July 1, 1911, which they did.

Notice what the District auditor says. He admits himself that they did not go back of July 1, 1911. Mr. Donovan is the auditor of the District of Columbia. He is a property owner in the District of Columbia. He is a citizen of the District. He is personally interested in the outcome of this case, and if this four and a half million dollars, approximately, is taken out of the Treasury and given to the people of the District every property owner here, including himself, is affected by it financially; every property owner here is benefited by it financially.

The CHAIRMAN. The gentleman has consumed 20 minutes.

Mr. BLANTON. I am going to be bold enough to take 20 minutes more.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. I am a property owner in the District of Columbia, but I am not going to vote for this bill. Is it the gentleman's contention that if this committee had gone back 48 years they would have found that the Government owed the city, or that the city owed the Government?

Mr. BLANTON. I am going to show you that BEN JOHNSON, whom everybody admits knows more about the fiscal relations of the District of Columbia and the Government of the United States than any other living man, says that if you will go back to 1874 and carry out the mandate of Congress, instead of the Government owing the District, you will find that the District owes the Government at least \$50,000,000.

I am sorry that the gentleman from Kentucky is going to leave this Congress. I will tell you what I did the other day. There was a little item of \$15,000 in the Army appropriation bill. It did not affect BEN JOHNSON personally; it did not bring one more cent into his pocket, but he was interested in it because it did honor to a former distinguished public servant of the Union. He wanted to see that passed. It was subject to a point of order, but considering the fact that for

years BEN JOHNSON had spent nights and days in his office looking out for the welfare of the taxpayers of this country when he was on the District Committee, which arduous position will work any man on God's earth to death who is conscientious, I sat in my seat and let the item pass without making the point of order against it. I thought that much consideration was due our colleague. It is a loss to this Government that he is going out of Congress. I have inherited some of his papers which he has had on file in his office, and I thank him for them. There is no telling how much benefit they will be to me in my investigations of the District affairs.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HARDY. Of course, the gentleman knows that Mr. JOHNSON thought that he could charge 50 per cent more against the District because he wanted to charge the District with 50 per cent of the cost of the Congressional Library, with 50 per cent of the cost of the Lincoln Memorial, and 50 per cent of the cost of various institutions and parks and monuments that are in this city as an offset to this surplus.

Mr. BLANTON. My colleague from Colorado is a distinguished editor. You know the 74 newspapers in my district sometimes reproduce his able and interesting articles that he writes over the country. He is a splendid editor, an able Representative, but when we direct him to go back to 1874 and make an accounting and an audit that involves four and a half million dollars of the public money, and then he goes back only to 1911 and is satisfied, I say he is a very poor accountant for the people.

Mr. TABER. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. TABER. My attention has been called to the last paragraph on page 4 of this bill—

Mr. BLANTON. I have not yet gotten past the first paragraph.

Mr. LOZIER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. LOZIER. If these gentlemen constituting this joint committee had been appointed referees by a court under order to state an accounting running over 48 years and as such referees only stated an accounting running over 11 years—

Mr. BLANTON. The court would set their audit aside. That is what I am asking you jurists to do with this so-called audit, for you are the jurists on this question. The members of this commission have not done what we told them to do. We appointed them as our referees and directed them to make an auditing of 48 years from July 1, 1874, on up, and they only went back to 1911 and covered only 11 years, and I say their audit is of no account, and I say this court, in all equity to the people, our taxpayers who are burdened at home, ought to disregard it, especially when it is admitted by the gentleman—

Mr. HARDY. Will the gentleman yield?

Mr. BLANTON. Certainly; I like the gentleman from Colorado.

Mr. HARDY. I like the gentleman from Texas, and I appreciate the advertising he has given me.

Mr. BLANTON. Well, it is deserved.

Mr. HARDY. Now, as referees, as the gentleman calls the committee, we did not go into these matters back to 1874, because we found a very complete auditing and investigation had been made.

Mr. BLANTON. The gentleman speaks of the audits caused to be made by Mr. JOHNSON?

Mr. HARDY. I am speaking of the Mays audit.

Mr. BLANTON. The so-called Mays audit under Chairman JOHNSON. Is not that it, under Chairman JOHNSON?

Mr. HARDY. I do not know whether it was under Chairman JOHNSON or not.

Mr. BLANTON. Was it not under Chairman JOHNSON, when he was chairman of the District Committee?

Mr. HARDY. The gentleman makes that statement.

Mr. BLANTON. Then I know more about this than our referee knows, because I know that to be a fact. Chairman JOHNSON had that done, and it was done concerning only certain specific items and did not cover a general audit of the fiscal relations from 1874 down.

Mr. HARDY. It covered it pretty generally, and through those audits—

Mr. BLANTON. If the gentleman from Colorado does not know more about that—that Mays audit—than that, then I know more than the gentleman. Chairman JOHNSON had that done.

Mr. HARDY. I do not know more than the gentleman, but—

Mr. BLANTON. I have a statement here in the RECORD over his own signature that that does not cover the general fiscal relations of the District from 1874 down, but only certain specific items.

Mr. HARDY. All right. Under the Mays audit there were brought in different items totaling up \$2,049,000 which charged interest and then comes along the Spaulding investigation and audit—

Mr. BLANTON. Has the gentleman read the Mays and Spaulding reports?

Mr. HARDY. Not every line.

Mr. BLANTON. I have, and therefore claim that I know more than the gentleman does about the two reports.

Mr. HARDY. The gentleman may know more than the gentleman from Colorado.

Mr. BLANTON. I think I have gone more into this case than my friend from Colorado.

Mr. HARDY. I do not doubt that for a moment, but in the interpretation of the whole question I differ with Mr. JOHNSON and the gentleman from Texas. I do not believe it should take into account the Congressional Library—

Mr. BLANTON. Will the distinguished gentleman from Colorado do this. The gentleman from Maryland has plenty of time and is going to yield the gentleman some time later on.

Mr. KETCHAM. The gentleman was speaking of what Mr. Donovan said.

Mr. BLANTON. Now I am going to show you exactly what Mr. Donovan said. He ought to know whether or not they went back of 1911. He was District auditor. He was the man trying to take this four and one-half million dollars of the people's money and give it to the District, and let us see what he said. Mr. Donovan said this:

Mr. DONOVAN. To go back for a moment to a previous investigation—because it enters into this question in view of what Mr. BLANTON has said—the joint select committee appointed under the act of June 29, 1922, did not go back of any period prior to July 1, 1911, but continued its examination only from that point down to and including June 30, 1922, and the reason was this: During the time that Mr. BEN JOHNSON was chairman of the Committee on the District of Columbia of the House of Representatives he had got through the House a resolution providing for an investigation into the fiscal relations between the United States and the District covering the period between July 1, 1874, and June 30, 1911.

Does the gentleman from Colorado deny that? Does he say that Auditor Donovan, who is still auditor of this District, does not know what he is talking about? He can not do it, because it is indisputable. Donovan said they did not go behind July 1, 1911. Donovan says they did not do it; why? Because he said Mr. BEN JOHNSON, who was chairman of the District Committee, had gotten a resolution through Congress to investigate this particular period of 37 years from July 1, 1874, to June 30, 1911, which was not covered by the special committee. The gentleman says that because JOHNSON had had this audit already made they did not go back of that date of 1911. Now, listen to what Mr. JOHNSON says about it. I am sorry he is not here to-day; I wish he were, but I am thankful I have his statement in this RECORD over his own signature that I put in here last Saturday, and I want to show you what he said.

Here is what I wrote him. I immediately wrote him when Mr. Donovan made that statement. This letter was written on June 5, 1924, just two days before we adjourned. We adjourned on June 7. I was on the job then, just two days before adjournment, on this subject, because I was looking for the bill to be pressed through to passage here in the dying hours of that session of Congress. I will read the letter I wrote to him. It is as follows:

WASHINGTON, D. C., June 5, 1924.

Hon. BEN JOHNSON, M. C.,

House Office Building.

MY DEAR COLLEAGUE: With reference to the so-called surplus alleged to be due the District of Columbia by the Government, Mr. Daniel J. Donovan, the auditor for the District, testified that the reason the joint congressional committee created June 29, 1922, confined its investigations to the period between June 30, 1911, and June 30, 1922, and did not go back to July 1, 1874, as directed by Congress, was because you had fully covered the period between July 1, 1874, and July 1, 1922, in an investigation you had conducted while chairman of the District Committee. And he claimed that you had balanced accounts up to July 1, 1911.

From my conversations with you and in examining many speeches made by you on the many ways the District has overreached the Government on finances, I am constrained to believe that Auditor Donovan is mistaken.

Will you kindly advise me whether you did, in fact, cover all matters involved between July 1, 1874, and July 1, 1911, and whether you agree that the District balanced accounts up to July 1, 1911.

Sincerely yours,

THOMAS L. BLANTON.

Here is his answer, written on the very same day, June 5, 1924:

[BEN JOHNSON, M. C., fourth Kentucky district. Member Appropriations Committee]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 5, 1924.

HON. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: I am just in receipt of your note asking whether or not, in my opinion, all matters relative to the fiscal relations between the District of Columbia and the United States Government were covered by the investigations made by the Committee on the District of Columbia while I was chairman of that committee.

In reply thereto I wish to say that not only is the statement made by Mr. Donovan incorrect, but that it was never contemplated under the authority given by the House to the District Committee to go into the entire fiscal relations between the United States and the District of Columbia. The authority given and the work undertaken included nothing more than to recover specific items due the United States from the District of Columbia.

In those items were embraced considerably more than a million dollars owing to the United States by the District of Columbia on account of the lunatic asylum, approximately half a million dollars on account of the Center Market, and various other items on account of advancements made for schoolhouse purposes, the jail, the 3.65 bonds, and a number of other items which I can not now enumerate.

Not the Congressional Library; not the great Lincoln Memorial; not the items which our friend from Colorado [Mr. HARRY] suggested Mr. JOHNSON wanted pay for, and an accounting! BEN JOHNSON did not want these amounts repaid. He has never sought to make the people of the District of Columbia pay for the Congressional Library; he had never sought to make them pay for the Lincoln Memorial; he had never sought to make them pay for the million dollar Connecticut Avenue Bridge; but he did want to charge them with the care and maintenance of their own lunatics here in the District. He thought the District ought to pay for them, and he did charge them up when he had that audit of his made. Now let me continue reading the balance of his letter. BEN JOHNSON says:

When I retired from the chairmanship of the District Committee I invited the attention of my successor to several other items which, beyond any sort of doubt, were due to the United States by the District of Columbia and volunteered my assistance in helping him to develop them, so that they might be paid. The resolution which would have authorized additional payments to the United States by the District was never asked for, and my offer to designate the specific sums due the United States was not availed of.

In my opinion large sums of money are still owing to the United States by the District between the 1st of July, 1874, and the 1st of July, 1911.

The CHAIRMAN. Will the gentleman from Texas suspend a moment while the committee rises informally to receive a message from the Senate?

Mr. BLANTON. Certainly.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 62) to create two judicial districts within the State of Indiana, the establishment of judicial divisions therein, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10404) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McNARY, Mr. JONES of Washington, Mr. CAPPER, Mr. SMITH, and Mr. OVERMAN as the conferees on the part of the Senate.

ADJUSTMENT OF ACCOUNTS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] has five minutes remaining of the time he allotted to himself.

Mr. BLANTON. Mr. Chairman, let me read the conclusion of the letter from the Hon. BEN JOHNSON. He says:

I notice in the local papers that those who are designated as "friends of the District" are asking for another investigation into the fiscal relations between the District of Columbia and the United States. In my opinion the "special committee" now being asked for to once more inquire into these relations is but an excuse to avoid the real issue. It is easily ascertainable that every time the District of Columbia has been called upon to pay a decent rate of taxes without infringing upon the rights of the people of other States to help them pay their taxes they have resorted to a "special committee" to inquire into the fiscal relations between the District of Columbia and the United States. It is not the investigation that they want. Instead, it is delay and a lack of adjustment that they desire by seeking an investigation.

The last investigation, with all due respect to those who conducted it, was farcical. That "special committee" was particularly directed to make specific findings. If they had complied with the law made two years ago, they could not possibly have failed to find the District of Columbia indebted to the United States in excess of \$50,000,000 spent in beautifying and upbuilding the District of Columbia.

Instead of going into the matter in detail, they treated the proposition in a blanket way and found that the United States owes the District of Columbia what is now known as "the four and one-half million dollar surplus"; while, as I have said, if they had followed the directions of the law the balance would have been on the other side of the ledger in an amount certainly not less than \$50,000,000.

Very truly yours,

BEN JOHNSON.

That letter is signed "BEN JOHNSON." What are you going to do with this matter? Let me tell you what you as lawyers would do if you were picking a jury to try a \$4,500,000 case. You would not pick anybody on that jury who was interested in the outcome of the case, would you? You would not pick a man, let him be preacher, let him be university professor, let him be any other man of high moral standing, of the highest moral standing you had in the community; you would not pick him if he was interested in the case. You would want men who have no interest whatever in the outcome. And if a man sat on that jury—it would not be a reflection on his honesty or integrity—who had an interest in the case, you would excuse him, because it is known to the law that when a man is interested in a transaction his judgment is warped, sometimes. He may be as honest as he can be, but his judgment is warped and biased. You therefore cut him off. But if he sits on the jury, and if after verdict you develop the facts pertaining to his interest which beforehand he failed to disclose, and you asked the court to do so in a motion for a new trial, he would set the verdict aside.

If you do not agree with me on that proposition I want to yield time to anyone who says that is not right. The law says that if we Congressmen are interested in the outcome of a matter we can not vote on it.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COLE of Iowa. Why did not that commission go back to find the facts?

Mr. BLANTON. They said BEN JOHNSON had done it, and he asserts that he had not.

Mr. COLE of Iowa. Could they not go back?

Mr. BLANTON. They said they did not have time to go back behind 1911, and did not have the money or the time to go back to 1874, as directed.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ALLGOOD. How did they make the audit?

Mr. BLANTON. They had accountants make an investigation from July 1, 1911, to July 1, 1922.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BOX. Has the gentleman made such an examination of the facts respecting the accounts from 1874 to 1911 as to determine whether or not they omitted any material matter?

Mr. BLANTON. Yes. I agree with Mr. JOHNSON of Kentucky in the statement that if they had gone back to 1874, as this law directed them to go, they would have come back showing an indebtedness on the part of the District amounting, perhaps, to \$50,000,000.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I will yield to myself 10 minutes more.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. I understand that even if we set aside this \$4,500,000, it is still subject to the action of Congress. We do not turn it over directly to the District, but Congress can appropriate it for the benefit of the District.

Mr. BLANTON. The Treasurer would credit it to the District of Columbia. Every man in this District benefits by it who owns property here, as it will reduce his taxes. We credit it to the District. It is for the benefit of the District property owners. That is why you find Theodore Noyes in the Star yesterday devoting a whole column on the first page and a double column on another page and another column alongside of it and then most of a column editorial to arguments for this credit. That is why you find the newspapers of Washington, who are large taxpayers here, every time I stand in their way, trying to ruin me with unjust attacks. That is why the gentleman's newspaper in Baltimore, the Baltimore Sun, made a little measly, dirty attack upon me the other day that was neither just nor ethical.

It is because I stand here on this floor and am not afraid to fight against steals that take huge sums of money out of the people's Treasury that they try to hamstring me; but it does not hurt me, either here among you colleagues or among the people down home who know me. I can always get a bigger majority of my 315,000 loyal constituents in my district to back me than the editor of the Sun can get to back him in Baltimore or elsewhere.

Mr. LINTHICUM. I do not know what the Sun said about it, but I know that the administration of the city of Baltimore has in its treasury, or had at the beginning of this year, a surplus of over \$7,000,000.

Mr. BLANTON. Oh, there are lots of things about Baltimore that are first class. There are lots of things in Baltimore that I admire. I take my hat off to Baltimore, although I do not agree on certain public questions with that distinguished gentleman from Baltimore, Colonel HILL, the white charger rider.

Mr. LINTHICUM. Getting back to my question, this \$4,438,000 will be subject to the action of Congress.

Mr. BLANTON. But it would belong to the people of the District, for it is to be credited to them. Now, let me say this: The author of this bill—it is a Senate bill—is a splendid gentleman. There is no question about that. He is honorable. There is no question about that. I admire many things about him, and I make no attack on his integrity, but I want to say this: That he benefits by this bill as much as any of the citizens in this District because he is a millionaire and owns valuable property in the District of Columbia. Here is his residence property [indicating two photographs]. It is worth \$200,000; but year before last, when the tax rate here was \$1.20, instead of its being assessed at \$200,000—and I can prove it is worth \$200,000—it was assessed at \$95,010, and at the then \$1.20 tax rate he paid \$1,140.12 in taxes on that property. If you put this \$4,438,154.78 into the treasury of the District, it benefits him as a local property owner. You can not get away from that. I am not reflecting on his integrity nor upon his honor, because he is as honorable as I am, but with that great property interest he should not have sat on this case.

Mr. McSWAIN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McSWAIN. Does the gentleman whom the speaker has referred to own any real estate other than his residence?

Mr. BLANTON. I have been told that, but I can not say positively, because I did not investigate it fully. However, I do know this: I know that he then owned enough lots on Twenty-ninth Street NW., connected with that residence, upon which you could build two ordinary residences with the usual 25-foot frontage each. But I would not like to say what I have heard, because I have not checked same up. I do know about the above-mentioned property and the amount of taxes I have given. I want to say this: I know he thinks that such ownership would not influence his actions at all, and I know some of you would say, "BLANTON, I do not believe it would; it would not influence mine." But you would not let me sit on the jury in court if I owned that much property and was going to pass on this \$4,500,000 that benefits all property owners. You would not allow me to sit on the jury, and you know it. If there is a lawyer here who would let one so interested sit on the jury, I want him to get up now and let me see who he is. If I were interested in a \$4,500,000 proposition where it was going to be turned over to the people of a town in which I owned property that was assessed \$95,000, and that money would reduce my taxes, I want to see the lawyer who

would let me sit on that case and decide it. I am not backbiting anybody; I am just talking facts in behalf of the tax-burdened people back at home.

The tax rate here was \$1.20 until this year, and, since we changed the fiscal relations under the Cramton amendment, it is now \$1.40 on the \$100—and do you know how much the Cramton amendment raised the taxes here? Why, our friend CRAMTON thinks he has done a wonderful thing for the people of the United States.

I am with him on prohibition; he is doing fine work on prohibition, but he did not do anything worth mentioning under that amendment. That was farcical. It caused a tax increase here of just 20 cents on the \$100, so instead of paying \$1.20 District of Columbia people are paying now \$1.40 on the \$100, and your people back home, your tax-burdened people, your farmers riding the plows in the fields, and their wives and little children riding the plows, are taxed from \$2.75 on up to \$6 on the \$100.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Certainly, to the gentleman from Michigan.

Mr. CRAMTON. I do not agree with all the gentleman has said—

Mr. BLANTON. But the gentleman agrees with much I have said. [Laughter.]

Mr. CRAMTON. Well, it is easy to do that, but to reenforce what the gentleman has said I want to emphasize that the \$1.40 which they are paying now—notwithstanding this nefarious Cramton amendment—includes the creation of a fund so that they can take care of their own expenditures. In other words—

Mr. BLANTON. But that is for the benefit of the people who live here, while I was looking at the matter from the angle of the people back home.

Mr. CRAMTON. I want the gentleman to get my point of view. The \$1.40 they are now paying is not all required to take care of their actual expenditures, and if it were not for the accumulation of this fund they would not be paying more than \$1.20 or \$1.25.

Mr. BLANTON. I will tell you what you do. You help pay the salaries of their judges out of the United States Treasury. You have paid 50 per cent on all the buildings in which they hold court. That was under the 50-50 plan. You have heretofore paid 50 per cent of all the expenses of the courts out of the United States Treasury, and then you turn over all the receipts now to them under the Cramton proposition. You have paid 90 per cent of all the paving of the streets and alleys in this District, one-half out of the United States Treasury.

Your taxpayers and mine have paid it, 50 per cent of it in the past years, and since the law was changed you have paid 40 per cent, and now a little less, yet all the money received from the gasoline tax on automobiles you give to the District. The people who live in the District are favored people. You give them their fines and forfeitures. You give them fees from lots of things. You furnish them a market house here, a \$1,000,000 market house for them to buy their food in, the Center Market. You have been paying until recently 50 per cent of the cost of the 900 policemen who guard the city and the residences here; you have paid 50 per cent until recently, when it was changed to 40 per cent, and then you paid a little less than 40 per cent later, of the cost of the 900 firemen who protect the city and the residences from fire. What interest did El Paso have in this Kann fire Saturday night, where every fire apparatus in the city was present, this Kann warehouse fire? What interest did El Paso have? None. It was a local matter here in the District of Columbia.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLANTON. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has 37 minutes remaining.

Mr. BLANTON. I am going to take 7 minutes more and then I will not take any more time, because I want to yield some time to others.

Did you know that Muscle Shoals has been bothering Congress? We have there a \$100,000,000 power plant, paid for by the people, and we have not known what to do with it. We have it on our hands and you tried to give it away at the last session of this Congress, just before we adjourned. I fought against it; but if the Senate had passed the bill as you passed it, it would have been given away to Henry Ford for 100 years, because you did not know what else to do with it. But I sat in my committee last Wednesday and they reported out a bill, over my objection, to dam up the Potomac at Great Falls.

It is not a river and harbor proposition connected with navigation. They do not claim that. It is a power project pure and simple, to give the people here in the District cheaper light, as they claim, and they said it would not cost more than \$44,000,000, and I had expert testimony there from engineers

such as Mr. Cassidy, who is a member of the great engineering society here in the United States, who said it would cost at least \$80,000,000 to build it.

Mr. BYRNS of Tennessee. Who is going to pay for it?

Mr. BLANTON. The people of this Government are going to pay for it, your people and my people, if they pass that bill, and that bill will be in here in a few days and you will be asked to pass the bill for the poor people of Washington.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. UNDERHILL. How much water will there be in that creek in July and August?

Mr. BLANTON. The gentleman from Massachusetts [Mr. UNDERHILL] is not in favor of that bill, and I do not know what I would do in that committee if it was not for him. By jimmie, he has a clear mind once in a while. [Laughter and applause.] Last summer, when campaigns were on, photographs were made of the river, taken in July and August of last year, that I want to show you—a little, trickling stream running between those rocks that would not fill a reservoir in months. The gentleman from Texas [Mr. HUDSPETH] down on his goat and sheep ranch near old Mexico has streams that would fill bigger reservoirs in the summer time than this Potomac River at that point. Devils River on his ranch would do it.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. HULL of Iowa. What do the experts claim that river will develop in primary horsepower?

Mr. BLANTON. I have not time to discuss it further just now. They claim it will furnish cheaper light, but Mr. Ham, who, by the way, in my judgment was sitting back there hoping the bill would pass, but making a sham fight against it, produced some evidence that showed it would cost the people of the District more than it is costing them now to produce their lighting system.

In that committee, do you know what I heard one of my colleagues say? I heard him say, "Why, I do not believe in the people of the District of Columbia having to furnish water to this Government; it is a shame that the people of the District should have to furnish water to the Government." This showed the gentleman did not know a thing on earth about the subject. If the gentleman had known what I know, he would have known that your people back home, this Government, owns the main, original conduit that brings the water from up the Potomac into this city. Not a dollar have the people of this District paid for this water conduit, and on this new water system, upon which millions have been spent in the last few years and are being spent now, your people and mine have furnished 40 per cent of every dollar of it. The gentleman did not know about that. He had heard these local papers lambast Congress so much about not handing out great, big sums to the District he was misled by them.

In conclusion, let me say that this bill ought not to pass. It would be a shame to pass this bill. It would not be just to the taxpayers back home. You can not go home and square yourselves when they pin you down and make you tell them why you passed this bill. You know that as well as I do. When they say, "Mr. Congressman, we people of this State are paying for all our own schools and schoolbooks for our children and for our own playgrounds. Why is it, Mr. Congressman, that you have allowed us, in addition to paying for our own children, to pay 50 per cent in years gone by for all the school buildings in Washington and to pay 50 per cent of the salary of the 2,600 teachers that teach those children, and had us to help to pay for all their schoolbooks and all their playgrounds and their parks; why have you made us do that, and why do you still want us to pay \$9,000,000 a year of their expenses? Tell us, Mr. Congressman, why you want us to do it?" That is the only time that our colleague's mouth would close up and he could not open it. [Laughter and applause.]

Mr. HOWARD of Nebraska. Will the gentleman yield for information, please?

Mr. BLANTON. Certainly.

Mr. HOWARD of Nebraska. I understand the gentleman from Texas to say that he and the gentleman from Massachusetts are in perfect accord on this bill.

Mr. BLANTON. Which gentleman from Massachusetts—there are so many of them and they are of such different opinions.

Mr. HUDSPETH. The gentleman from Massachusetts [Mr. UNDERHILL].

Mr. BLANTON. Not on this bill. I said sometimes he has a clear moment. [Laughter.] On the water power bill the gentleman and myself are together, and we are together on

many bills. Where the Constitution has had a freight train run through it by our committee he stands up there with me and fights.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I reserve the balance of my time and will yield it later.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I can not hope to compete with the worthy gentleman from Texas in oratory or in figures. I will say that the gentleman has gone into these matters quite fully and so has the gentleman from Kentucky [Mr. JOHNSON], whom he lauds so highly.

The main point at issue is a difference of opinion or judgment as to how much and what might be charged against the District of Columbia. This little surplus which the gentleman talked about at the last moment and said it might startle our folks back home if they knew we appropriated that for the District of Columbia is so small compared with what you have voted for in the years past that it does not amount to very much.

We have paid from the United States Treasury for the benefit of the District something like \$190,000,000 in years past. In talking about various other items of interest we are losing sight of the facts in this particular case. I will say, as a member of the joint committee, that the joint committee spent weeks looking into this matter pretty fully. None of the Members of Congress who are members of the joint committee are professional accountants and do not profess to be able to analyze every figure in the report perhaps as well as some other gentlemen are able to do. I know that we employed one of the best firms of accountants in the United States to go into these matters. We took up the Mays report which had been made quite full, and the Spaulding report which followed that. We found that under the Mays report there was \$2,049,969.76 that had been charged against the District and by law had been collected. Under the Spaulding report there was \$394,188.38 which had been found due the United States by the District and by law had been collected. Many of the laws passed by this Congress settling these matters stated that they were in full. Take the case of St. Elizabeths Hospital, which has been mentioned. The act which authorized the collection of \$1,002,290.33 from the District on that account specifically said that it was "to further reimburse the United States in full."

I say in a general way this joint committee did go into those things. It did not have a detailed audit of all the books from 1874 down, but it had the advantage of all these reports. Then it brought before this committee all the people it could find who had some knowledge of these matters. It brought Mr. Spaulding before the committee, it brought Mr. Thomas Hodgson who had been in the Treasury Department for 30 years and had written the items for the District over 30 years, and it questioned them in detail where any particular point could be brought up. It considered every item suggested by these people, including the gentleman from Kentucky [Mr. JOHNSON], who discussed various phases of the items.

Now, the \$50,000,000 which some say might be charged against the District can only be arrived at if you go back and say that Congress ought to have done many things that it did not do. We followed the law as the law was on the statute books, and did not try to make the law say something it did not say.

The question of interest comes up. Some gentlemen think we ought to have charged the District a certain rate of interest on the balances. The law in some specific instances said it should be 2 per cent, and therefore we thought that the law of that day should prevail.

There is no law on the statute book which says that the District of Columbia should pay 50-50 on the Congressional Library, on some bridges, or the Lincoln Memorial. The gentleman from Kentucky [Mr. JOHNSON], who represents the ideas of the gentleman from Texas, said to our committee that—

It is my unqualified opinion that the cost of the Congressional Library and everything in it and 3 per cent interest must be offset against any claim of surplus.

It is only through such absurd charges that you can build up any such extravagant claims charged against the District of Columbia. This surplus has nothing to do with any policy whether you are a friend of the District or whether you are not; it is a question of bookkeeping and justice. The surplus should be acknowledged.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. ZIHLMAN. I yield to the gentleman two minutes more.

Mr. HARDY. The committee weighed very carefully all these questions of policy, laws, and incidents, and it took up everything that Mr. Spaulding suggested should be taken up, and everything that Mr. Hodgdon suggested, and weighed them in connection with the law. Then we arrived at what we thought ought to be the state of the accounts under the law. We came to the period after 1911, when the surplus began to accumulate in the District. In these years they accumulated a surplus to the amount of several million dollars. The District collected several millions of dollars more from its taxpayers than the Congress appropriated. This was figured down to \$4,600,000. Then we made some charges that we found ought to come out—a part of the bonus to the District employees and other smaller items, and after striking the balance we found that there was a surplus of \$4,438,154 due the District. Aside from all other questions at issue, there is no question but that an audit, without charging the cost of the Congressional Library and the Lincoln Memorial and other buildings and improvements, but considering the strict law, that this surplus is due to the District of Columbia.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ZIHLMAN. Mr. Chairman, I now yield 10 minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I feel it my duty, as a member of the committee, to discuss the bill impartially and dispassionately. I find it an unpleasant duty by reason of the fact that my friend and colleague [Mr. JOHNSON], my friend since I have been in the House and 30 years before coming to this House, opposes this measure. Yet I find myself in accord with 19 members of the committee, there being 21 members, and the twenty-first member being the gentleman from Texas [Mr. BLANTON].

I agree with him in his sentiments on the bill, but I can not agree with him on his legal deductions. I think the committee feels as he does, and that if this were to determine which had been the most generous, the District to the country or the country to the District, that we would all agree that the country has been very generous with the District. But is that the question before us? What is the sole question we are here to decide as a committee? It is, Shall we stick by trades we have made in the past, even though they were unwise? When you have decided that question then you have nothing before you except a mere matter of accounting. It was shown that the 50-50 plan, although perhaps fair at its beginning, became unfair to the country, but while that 50-50 plan was in existence, should not we live up to it? Then it was changed to a 60-40 plan, which in my opinion was still unfavorable to the country, but while the 60-40 plan was in existence, must we not live up to it? When you decide those two questions then you simply have no question of fact before you further than the mere matter of figures. You have no question of sentiment before you. You have no question before you of policy, but just a question of cold facts and figures. The trouble that the country is in, in this matter from our standpoint, is that every commission, committee, or accounting that we appoint ourselves to report to us these figures decides against us. That is the trouble we are in.

Let us take Mr. JOHNSON's idea, that if a fair accounting were made back through all these years it would be found that the District was indebted to the country in a vast sum, say, \$50,000,000. Is he considering that as a matter of law or as a matter of equity and policy?

Mr. BLANTON. He says under this law that we passed—

Mr. GILBERT. I shall read to you what he says. If we were considering it as an equitable proposition, from its origin, perhaps that is true. I have the highest regard not only for the ability of Mr. JOHNSON but for his opinion and his industry. He tells you what he bases that on, and if you agree with him in that policy, then it is true. What is that policy? This is his language:

In excess of \$50,000,000 spent in beautifying and upbuilding the District of Columbia.

And as read from the hearings he holds that it would have been better or it would have been wise to charge the District with certain parks and buildings, including the Congressional Library. As to that I do not care to enter into a discussion. I also compliment my colleague from Texas [Mr. BLANTON] upon his ability and industry, and I agree with him that we ought not to pay, and it is not proper for us to pay, a certain part of the salaries of certain policemen here and of other officers concerned purely in the local government. But is that question

before us now? If so, I must align myself with these gentlemen; but Congress has decided those questions in the past and has adopted a policy, and whether wise or unwise it seems to me that our duty now is simply to find under those policies what amount is due.

As to the personnel of this commission and whether one Senator is interested personally, I do not know and I do not care. I have no sentiment for or against the District of Columbia. I can not be aligned with those who are classed as friendly to the District or with those who are classed as unfriendly to the District. The District means nothing to me any more than it does to you other gentlemen who have not been lined up with these local affairs. That commission, however, was our commission. The committee that investigated those facts was our committee. We appointed a committee to investigate and report to us the situation as it existed. That committee consisted of three Senators and three Representatives, and whether they acted wisely or unwisely I am not here to say; but it was our committee and they reported against us, as to what they believe are the facts, and if we appoint another commission have we any assurance that the commission's finding is going to be any different; and if it is, are we going to put ourselves in the attitude of accepting only those reports of those committees which are favorable to us?

The gentleman from Texas [Mr. BLANTON] makes a great argument about the fact that they did not go back as far as the Congress directed them to go. Gentlemen should bear in mind that this committee itself is not going to make any investigation if we appoint one. The committee that was appointed did not make the investigation personally, because they are not public accountants, but they employed public accountants to make a report of what the accounts showed at this time. They themselves did not do it. What did they do as to accounts previous to 1911? They found that certain bookkeepers, certain public accountants, had made investigations up to that time. It is not in full, as shown by the gentleman from Texas, in many items which Mr. JOHNSON wanted to put in there but which the committee thought had no place in there. They said:

No witness appearing before the committee has testified that a further detailed audit would be advisable.

Your committee therefore recommends that the investigation already made be taken as a basis upon which definite and final action may be had by the Congress.

Neither is the same necessary, according to our belief, under the provisions of the act of June 29, 1922, which must be considered with reference to their practical effect.

A further detailed audit would be a decided waste of time and money and would serve no good purpose.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. CRISP. Were these accounts or reports of the auditors made prior to 1911 made by the direction of Congress or were they for private purposes?

Mr. GILBERT. I take it that they were made, at least some of them, under the direction of Congress. It is true, as pointed out by the gentleman from Texas, that Mr. JOHNSON, while he was chairman of the committee, had one investigation made; and the Mays—two of them, father and son—spent nearly three years in that investigation of those accounts up to 1911. Whether they included all that should have been included I do not know, but they included everything that your committee thought should be included; and if you appoint another committee, how do we know that their findings will be any more satisfactory to us than the findings of the committee you have already appointed and that have found against us?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. ALLGOOD. What does the Mays report show?

Mr. GILBERT. Not intending to speak on the matter, I have not those figures; but it included what this report was based on, and it was brought down to date by our own committee that found against us, and I am not in favor of scuttling simply because we have made a bad bargain.

I think the Cramton amendment on District appropriations is a reasonable amendment. Instead of being useless, it brought down the amount that the Government shall contribute to the District hereafter still less, but it may not yet go far enough. But let us now square accounts, pay the District what our own committee and the auditors say we owe them, and then be governed in the future by the facts as they appear, and make a better trade from now on, but do not repudiate the amount our committee says we owe simply because we made a bad trade.

Mr. BLANTON. If I will yield the gentleman a minute, will he yield for a question?

Mr. GILBERT. I will.

Mr. BLANTON. I yield the gentleman one minute to answer one question. Mr. JOHNSON made this statement:

As I have said, if they—

Meaning the commission—

had followed the directions of the law—

Meaning the law we passed here—

the balance would have been on the other side of the ledger in the amount certainly not less than \$50,000,000.

That is signed BEN JOHNSON.

Mr. GILBERT. And he goes on to say "spent in beautifying and upbuilding the District of Columbia."

Mr. BLANTON. That was in another paragraph concerning another matter.

Mr. GILBERT. But he says, as shown by the reports, and every Member of this House knows, that perhaps it would be true, if the District of Columbia had the same park system as other cities, then perhaps it would have been \$50,000,000. But that has not been the policy of the Government. I feel like we ought to adhere to a bad trade and bring in what the bookkeepers and our committee say we owe. That is all. [Applause.]

Mr. ZIHLMAN. I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman and gentlemen, I had not intended to say anything on this bill, but as the gentleman from Texas has been so kind as to credit me with a few lucid moments I thought possibly the committee might be interested in knowing how I achieve this degree of intelligence. I am not a lawyer like the gentleman from Texas, nor have I the capacity that he apparently has for work.

Mr. BLANTON. Will the gentleman yield to me to say that I consider him one of the most intelligent men in the United States? [Applause.]

Mr. UNDERHILL. The gentleman flatters me and still further places me in his obligation. But the only way we can arrive at these great questions, those of us who have not a legally trained mind, those of us who are not accountants, those of us who come from a distance and know little or nothing about local conditions, is by the exercise of common sense, the best judgment we can give. We called before our committee experts on these various questions, experts on the legal side of the question, experts on the financial side of the question, experts on practically every question raised. Sometimes they voluntarily appear, and sometimes we pay for their services. Now, what other road can we travel, what other line can we follow than to weigh the evidence we have presented to the committee and then come to an intelligent decision? As now constituted there are 10 lawyers on our committee. Each one of them has a reputation probably surpassed by none in their own immediate districts. Of the 10 lawyers on our committee all but one are in agreement on this question. Of all the actuaries or accountants who were before the committee every one of them is in agreement. Congress is inclined to neglect the District, while, on the other hand, the District is prone to expect too much from Congress. It should neither be abused or pampered. When it needs bread we should not give it a stone nor is pap and plums good for its healthy growth.

So I have tried to look at this and other questions from the standpoint of justice, equity, and common sense. To "hold fast to that which is good" rather than to insist upon the strict letter of the law.

There are some phases of the bill that do not please me particularly, but I recognize that the people of the District of Columbia acted in good faith, that they had confidence in Congress and the United States Government to give them a fair deal. Perhaps the District of Columbia made a better bargain than the Congress of the United States. Notwithstanding, they made a bargain, a trade. That I gather from the testimony presented to our committee. It seems to me that we ought to stick to that bargain, stand by our trade, no matter if it does cost the sum of four and a half million dollars. This money does not come out of our constituency at home without their knowledge or consent. They have some pride in the District—

Mr. LINTHICUM. If the gentleman will yield, is not the money already in the Treasury and not to be paid into the Treasury?

Mr. UNDERHILL. The money is in the Treasury, but I believe part was put in there by our constituents.

Mr. BLANTON. If the gentleman will yield, there are nine lawyers on the committee—

Mr. UNDERHILL. Ten.

Mr. BLANTON. In favor of the bill, and here is their report, five lines on a four and a half million dollar bill! Do you want to take that report? If so, all right.

Mr. GARRETT of Tennessee. Will the gentleman submit to an inquiry?

Mr. UNDERHILL. I should be very glad to do so.

Mr. GARRETT of Tennessee. I would like to get this matter clear in my mind. Is there any question as to the accuracy of the \$4,438,000 upon the basis upon which the investigation was conducted?

Mr. UNDERHILL. So far as I gather from the testimony before the committee, there is no great difference. There is a difference of opinion—

Mr. GARRETT of Tennessee. I mean as to the amount upon the basis upon which the auditors proceeded; is there any question as to the accuracy of this amount?

Mr. UNDERHILL. I think there is no question.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Texas if there is any question as to the amount without going into the policy?

Mr. BLANTON. Of course there is; and I say that unequivocally. If we could point out—I have not the time in the gentleman's time—

Mr. CRAMTON. Will the gentleman from Massachusetts yield right there?

Mr. UNDERHILL. Yes.

Mr. CRAMTON. I would be glad to say to the gentleman from Tennessee that not only is there great question as to the accuracy of the account, but the commission itself and the Committee on the District of Columbia itself have admitted in the bill before you that there is a question as to the accuracy of those figures, because they put a proviso in seeking and directing that a further determination be made hereafter.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARRETT of Tennessee. I am sorry the gentleman's time has expired.

Mr. ZIHLMAN. I would like to take one minute to answer the gentleman from Tennessee.

The basis of this amount is the certificate from the Comptroller of the Treasury of the United States, and the figures referred to by the gentleman from Michigan [Mr. CRAMTON] are not included in this \$4,500,000, but relate to the sum of \$800,000, which is in dispute, and which the comptroller is authorized to adjust. It does not relate to the \$4,500,000 referred to, to be credited to the District of Columbia.

Mr. GARRETT of Tennessee. If the gentleman will permit, as I understand it, this commission that was created was instructed to proceed in the investigation of these accounts upon the basis of the appropriation made under the law as it existed prior to the appointment of that commission?

Mr. ZIHLMAN. That is right.

Mr. GARRETT of Tennessee. Now, then, is there any question as to the accuracy of the amounts which they have found upon the basis which they have investigated, as instructed?

Mr. ZIHLMAN. No.

Mr. GARRETT of Tennessee. I mean within the period covered by their investigation, not back of 1911.

Mr. ZIHLMAN. I will read the certificate, No. 12322. That is from the Comptroller of the Treasury.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield myself an additional minute. The certificate reads as follows:

CERTIFICATE No. 12322

GENERAL ACCOUNTING OFFICE, STATE AND OTHER DEPARTMENTS DIVISION,
THE DISTRICT OF COLUMBIA IN ACCOUNT WITH THE UNITED STATES, FOR
THE FISCAL YEAR ENDED JUNE 30, 1922

WASHINGTON, D. C., November 23, 1922.

I certify that I have examined and stated the account of the District of Columbia with the United States from July 1, 1921, to June 30, 1922, and find a balance of \$8,136,574.44 due the District of Columbia, as follows:

General fund.....	\$7,574,416.90
Special funds.....	250,624.55
Trust funds.....	311,532.99
Total.....	\$8,136,574.44

(Care of Secretary of the Treasury, Division of Bookkeeping and Warrants.)

J. R. MCCALL,
Comptroller General,
By W. S. DEWHIRST, O. B. B.

Then he gives the different funds. That is the basis on which the committee proceeded.

Mr. WILLIAMS of Michigan. If you were to go back previous to 1911, if you were to go back to 1874 and an audit were made in the same way that you have had it made from 1911 to the date of this report, what assurance can you give to this House that there would not be sums found to be due to the Government from the District of Columbia?

Mr. ZIHLMAN. I will say to the gentleman that Congress has twice authorized an investigation prior to 1911. Those reports were made under resolutions adopted by Congress.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. BLANTON. Mr. Chairman, I yield myself one minute. I want to say to the gentleman from Tennessee [Mr. GARRETT] that no committee of the House has ever really investigated this bill at all. They have never had it up except in so-called hearings that never went into the real facts. You will not find a hearing where they have gone into those facts. I asked for time before our committee during this and last Congress to show where they have rented property and have not accounted to the Government for it, where revenues in large amounts concerning many items should have gone into the Treasury of the United States, but which the District kept and same were not accounted for. I was not given time. I had no chance. There has never been an investigation of this whole subject from 1874 down as we directed either by a commission or by a committee of Congress.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CRAMTON] 15 minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. CRAMTON. Mr. Chairman, the case pending is strictly an equity case. Everyone admits that sums that are due to the District of Columbia, if there be any sums, are equity claims. There is no legal liability on the Federal Government for any sums whatever. There had been a claim by the District for such funds for many years, and in 1922, I think it was, when the District appropriation bill was up, the House had attempted to change the percentage of Federal contributions to the District expenses. The Senate objected to that change and inserted a provision providing for an investigation to determine how much, if any, surplus was due to the District.

That went to conference with these two matters in dispute—as to the part that the Federal Government should contribute and the determination as to whether any surplus was due to the District. It chanced that by reason of the illness or absence of one of the conferees I was permitted to serve as a member of the conference, the other conferees being the gentleman from Illinois [Mr. MADDEN] and the gentleman from Kentucky [Mr. JOHNSON]. The provision that appears in the law was a compromise between the House and the Senate as to the establishment of the 60-40 ratio and as to this investigation.

Now, as to the provision that the Senate put in with reference to the investigation, none of the House conferees would have accepted it as it left the Senate. If there had not been an acceptance of certain amendments drafted originally by the gentleman from Kentucky [Mr. JOHNSON], there would have been no such investigation. The terms, then, that were put in by Representative JOHNSON and supported and modified somewhat by some suggestions of mine and supported by the House conferees and supported by the House—those changes, then, were material. The acceptance by the House of that Senate proposition was secured through the acceptance of the language that we inserted in their proposition.

I have not the ability or the knowledge or the time in my little 15 minutes to cover all the fiscal relations of the Federal Government with the District for 50 years; but here is what the law says that commission must do, and I say the select committee did not follow the law. We have not had an investigation of the fiscal affairs of the last 50 years in accordance with the law creating that commission. We have not the information that we are warranted in accepting as a basis for turning over \$4,500,000 to the District. When you have an investigation in accordance with the law, an investigation that covers all the matters between the two parties, so that you know that the balance that is found is really in equity due to the District, then I favor giving it to the District, but I do not favor giving it after a one-sided investigation.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GILBERT. Do you hold that the commission in question, appointed of three Representatives and three Senators, was incompetent?

Mr. CRAMTON. I let facts speak for themselves. I have no desire to reflect on the members of the commission.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HARDY. What does the gentleman mean by a one-sided investigation?

Mr. CRAMTON. I will explain in just a moment. Here is what the laws says. That this joint select committee is authorized and directed:

To inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874—

Eighteen hundred and seventy-four! And it is admitted that this committee de novo only went back to 1911, and back of that period they accepted a more or less incomplete investigation reaching back to 1878. From 1874 to 1878 they made no investigation whatever. That is the first thing.

Mr. HARDY. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HARDY. It did inquire into those affairs quite fully.

Mr. CRAMTON. Well, I will go into that.

Mr. LINTHICUM. Will the gentleman yield?

Mr. CRAMTON. I am sorry I can not.

Mr. LINTHICUM. It is a question that should be asked right at this point.

Mr. CRAMTON. I think I will bring out what the gentleman has in mind.

Mr. LINTHICUM. No. I do not think the gentleman is going to cover what I desire to ask.

Mr. CRAMTON. If I do not, I will answer the gentleman's question later. Referring further to the law authorizing this commission:

With a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively—

This is not the finding of a balance. This is a direction that they report facts for the information of Congress—

what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District.

That information was to be brought to us; not a balance, but a statement of the expenditures on each side. Then:

And in event any money may be or at any time has been by Congress or otherwise found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other, shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid, until actually paid. And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses.

Now, under that language a commission was created composed of three Members of the House and three Members of the Senate and they organized. The chairman of the House committee was Mr. Evans, of Nebraska, a very fair-minded, conscientious, and able gentleman, and who, I understand, was elected to the supreme court of his State in the recent election. He was the chairman of the House membership. Absent a few days from the city, in his absence a meeting of that commission was called, without showing the House the courtesy of awaiting his return. And, unless I am mistaken, when that commission met to organize there were three of the Senate members present and two Senators held proxies for two House members, and the third House member was in the West. Of course, there is no authority for anyone outside the House to hold proxy for a House member of such a committee. It was in effect a meeting without House representation. The three Senators, with House proxies in their pockets, proceeded to organize that commission, select the accountants, and so forth. Having so organized the commission, they arbitrarily decided that on these annual advances from the Federal Treasury for the benefit of the District no interest should

be computed, notwithstanding the plain language of the law. Here is the situation: Each year the District had no money in its treasury. It levied taxes to pay the year's expenses, and when the year was half over their money commenced to come in; but yearly, for the first half of the year, we loaned them the money with which to pay their expenses; and under the law creating that commission the commission was bound to compute interest on the money so advanced and take it into consideration, but that commission—and I say it was a one-sided proposition—arbitrarily omitted that interest and other interest matters from its computations.

Next, they only went back to 1911. You Members know that it is only within the last few years that Congress has been vigilantly looking out for the interests of the Treasury in its dealings with the District. In the good old days of the seventies and the eighties the District, time after time, put it over on the Treasury. The law would pass stating that certain things should be paid exclusively out of District revenues, and then they found a way to have a part of them paid out of the Federal Treasury—the bond issues, of which the gentleman from Kentucky [Mr. JOHNSON] has told us about, and so on. So, since 1911, we have been watching our step a little more closely, and they declined to go back of that; instead, they accepted the Mays report.

In a letter from Mr. Evans to Mr. JOHNSON on August 5, 1922, Mr. Evans calls attention to the fact that—

It is urged by Colonel Donovan that the audit of the accounts made by Mays & Sons covered all matters from 1878 to 1911.

Let me remind you that 1874 was the date put in at the instance of the House, and the gentleman from Kentucky [Mr. JOHNSON] knew those things and knew why he wanted them to go back to 1874 instead of 1878. They were put in there to reach certain matters, but this committee arbitrarily failed to go back of 1878; 1874 to 1878 was not taken into consideration, and there never has been a review of that period. As to the Mays report, which Colonel Donovan said covered all matters from 1878 to 1911, Mr. Evans said:

I asked of Mr. Hodgson if it was not a fact that the Mays report only covered the appropriations and disbursements thereof between 1878 and 1911, and particular subjects to which their attention and investigation were ordered, and he answered "yes."

Particular subjects to which their attention was directed. Now, many other things were omitted. I have here the minutes of this joint committee and in those minutes it is set forth on a certain day, on the 27th of July, 1922:

Mr. Hodgson did not appear to be very clear as to the fiscal relations between the District and Federal Governments from 1874 to 1878, but stated that the Mays audit was from 1878 to June 30, 1911. He pointed out that, in addition to covering what he called "the general account," comprising all appropriations and disbursements between the dates mentioned, certain specific items were also investigated, as a result of the Mays report, legislation was passed by Congress providing that the District reimburse the Federal Government in the sum of several million dollars.

Later:

Under direct questioning, Mr. Hodgson would not state that he believed the Mays report to be absolutely accurate.

These are the minutes of the joint committee, in which they boiled down essence of the hearings before them, and under direct questioning Mr. Hodgson, their accountant, said he would not state that he believed the Mays report to be absolutely accurate.

He did say, however, that an attempt was made to cover all the important items which might be in dispute between the District and the Federal Governments, with special reference to the rights of the United States.

All the important items, he thought, but how important the items were that were omitted he does not say or know.

And later:

Major Donovan, when asked his opinion, said that he knew of no important items during that period which had been overlooked, calling attention, however, to the fact that there might be miscellaneous items of revenue, in which the District should properly share, of which the District officials had no knowledge.

Here is a memorandum by Mr. Evans, which he put at the foot of that:

It was the sentiment that at this time it was not best to go back of 1911 so as to have the time to look into the necessity of going

back. Mr. Hodgson stated several times in answer to questions by me that the Mays audit did not go outside of the appropriations and disbursements unless specifically directed to some item.

And on another page of these minutes it is stated that a detailed audit from July 1, 1874, to June 30, 1911, would be difficult to get because the sinking-fund ledger had been destroyed, as well as other records, and so forth. In other words, this commission, just as I said, made a one-sided investigation.

Mr. AYRES. Will the gentleman yield?

Mr. CRAMTON. In just a moment. I will explain just what I mean by that. They investigated the things that the Senate Members wanted to investigate, but the things that the House conferees wanted investigated when they agreed to this language were ignored by them; and I went before the commission before they completed their work, and on page 251 of their hearings called their attention to the matter, saying it seemed to me better to speak then before the committee while it was at work rather than to have my observations as the possible basis of criticism when the committee had finished its labors. I yield now to the gentleman.

Mr. AYRES. Has the gentleman introduced a bill—

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BLANTON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Texas has 13 minutes remaining.

Mr. BLANTON. I yield 5 minutes more to the gentleman from Michigan.

Mr. AYRES. Has the gentleman introduced a bill recognizing this amount of \$4,000,000?

Mr. CRAMTON. I will speak of that in just a moment. I want to first round out what I have said. I am not just talking thin air in these matters. The fact they did not go back of 1911 is a serious injustice to the Federal Treasury. The fact they did not comply with the law is not a technicality, it is a serious injustice to the Treasury. What does Mr. Evans say about that?

Mr. CRISP. Will the gentleman yield?

Mr. CRAMTON. Yes; I yield.

Mr. CRISP. In what way did the House conferees insist on changing the original Senate provision as to this commission?

Mr. CRAMTON. We changed the date and we put in all this language that I first mentioned with a view to ascertaining and reporting what sums have been expended for certain purposes.

Mr. CRISP. And put it back to 1874?

Mr. CRAMTON. And put it back to 1874, yes; and there would have been no agreement by the gentleman from Kentucky [Mr. JOHNSON] and myself, and I think I can say the gentleman from Illinois [Mr. MADDEN] also, without that language.

Now, what was the effect of their failure to follow the law? This is a practical question.

Mr. KETCHAM. Will my colleague yield for just one brief question?

Mr. CRAMTON. For a very brief question.

Mr. KETCHAM. Having gone over this matter with some degree of care, will the gentleman give his judgment now upon this question. If a correct audit could be made of all these accounts previous to 1911, namely, from 1874 to 1911, what is the gentleman's judgment on the matter of whether this amount of \$4,478,000 would be increased or reduced?

Mr. CRAMTON. If a correct audit had been made in accordance with the language agreed upon by the conferees what would be the finding?

Mr. KETCHAM. Yes.

Mr. CRAMTON. If I knew the answer to that I could tell you and you would not need the investigation. We wanted the investigation in order to get that finding, and we are entitled to have it before we turn \$4,000,000 over to the District of Columbia. My guess is, the \$4,000,000 surplus would vanish to nothingness.

Mr. BLANTON. And we never will get it until the investigation is made.

Mr. CRAMTON. That is true, and no one Member of the House has the time or should be expected to make such an investigation.

Here is what Judge Evans said—and Judge Evans was a careful, conscientious worker—and in speaking of these things he says:

In arriving at its conclusions the majority omitted from consideration the following items for the Government:

One-half of the 5-20 bonds.

One-half of the interest on the 5-20 bonds.

Interest on all items of advances or credits upon which interest has not been paid.

One-half of the fines of the police court for the Government.

One-half of the \$5,000 appropriation to buy land for the National Training School for Girls, which, it seems, has been expended but no land bought.

One-half of the salaries of Army officers who work only for the District.

The interest item alone on known changes shows a credit to the United States of \$1,691,889.93, as shown by the majority report.

The 5-20 bonds show a credit of over a million for the Government, and interest from the dates of payment should be added.

He says there are many other items not included. This shows that the balance before you is not a fair statement of this equity account against the Treasury. [Applause.]

My friend over here asks me if I have introduced a bill to recognize that. Acting a good deal under compulsion, I have. I have feared that, due to lack of information on these matters generally among the membership, this bill would eventually pass. I think it is desirable to wind up these things, and that is the reason the House conferees, three years ago, agreed to this language. We wanted a complete investigation to wind this thing up, but the one before us does not give the facts and the commission did not treat the House with even decent respect.

I believe the fixed-sum contributions principle as to Federal share of District annual expenditures is more important to the Treasury because it saves us from \$3,000,000 to \$5,000,000 a year. It was put in the District appropriation bill this year and will be put in the pending appropriation bill I am sure. It is not, however, permanent law. I am afraid some time or other you will pass this surplus bill. Standing alone we will have trouble getting action by the Senate on a permanent lump sum bill. I would like to use this surplus bill as a vehicle to carry through the lump-sum proposition. Therefore, I introduced a joint measure last week, not from any love for this, but because I was in love with the other proposition. I have not had a chance to get a hearing on it before the committee. To-day I appealed to them to put this over two weeks and in the meantime give a hearing on the proposition of hooking these two together and disposing of both of them together. But the committee could not defer consideration on this bill to give me a hearing on the joint measure, and I say to you that if you, to-day, pass this bill for the payment of this \$5,000,000, they will have that, and you will wait a long time before you will get the Senate to pass a permanent lump-sum contribution as our payment toward the District expenses.

Mr. WRIGHT. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. WRIGHT. In the closing hours of the last session, is it not true that the gentleman advocated and sought to put through a conference report agreeing to pay the District of Columbia this balance of \$4,000,000?

Mr. CRAMTON. That is just what I have been speaking about.

Mr. BLANTON. And it was an effort to save millions of dollars in another way.

Mr. CRAMTON. If I could save the Government from \$3,000,000 to \$5,000,000 a year for the next 25 years through enactment of the lump-sum proposition as permanent law by hanging it onto this \$4,000,000 surplus proposition. I would think it was a good accomplishment and a desirable trade. That can be done if you will defeat the pending bill.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, possibly because of my independent method of thinking and acting, I have often in the past found myself in striking disagreement with the distinguished gentleman from Texas [Mr. BLANTON]. But on the pending bill I find myself in entire accord with him. His argument in opposition to this bill is not only convincing but is unanswerable on the floor of this House or elsewhere. In lucidly and logically analyzing this bill and opposing its enactment he has not only rendered a worth-while service but one of very great value to the American people. This bill has already passed the Senate, but I am relying on the wisdom and good judgment of the House to defeat it. Reduced to its last analysis, this bill proposes to take out of the Treasury of the United States \$4,438,154.92 and grant the same to the District of Columbia, to be used for such District purposes as may from time to time be

determined. This means that the general funds of the United States Government will be reduced to the extent of \$4,438,154.92 and the District funds increased that amount. The bill proceeds upon the theory that the United States Government owes the District of Columbia \$4,438,154.92 on account of divers and sundry fiscal transactions between the Government and the District in the last 48 years, or, to be accurate, between July 1, 1874, and July 1, 1922.

You will recall that in 1871, in answer to the petition of merchants and professional men in the city of Washington, Congress granted the District of Columbia local self-government. After three years of unexampled prodigality and extravagance the District became bankrupt, and Congress was compelled to again take over the administration of the District affairs, and since 1874 the government of the city of Washington and District of Columbia has been under congressional direction. During that long period Congress has from time to time appropriated hundreds of millions of dollars toward the support of the District government and for the convenience, comfort, and necessities of the people of the District and for the upbuilding or beautifying the city of Washington and the District of Columbia. In making these appropriations Congress has always dealt liberally with the District of Columbia, and at no time has the District contributed its just and proper share of the expenses incident to the maintenance of the District government.

Each year the District bombards Congress with demands for enlarged appropriations, always contending that Congress does not contribute its fair and just proportion of the expenses incident to the maintenance of the District government, which contention Congress has denied. These demands from the District because so numerous and pressing that in 1922 Congress decided to settle the question once and for all time. To this end, in 1922, Congress by legislative enactment created a joint select committee of three Senators and three Representatives to investigate the claims of the District, and this committee was authorized and directed to make a thorough investigation of all matters pertaining to the fiscal relation between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums had been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District. In other words, this joint select committee was not only authorized but directed to overhaul all the accounts and fiscal transactions between the United States Government and the District of Columbia since July 1, 1874. This committee was authorized and directed to list these various transactions, expenditures, and appropriations and state an account of all the fiscal transactions between the Government and the District since 1874. The purpose of this investigation was to ascertain definitely and conclusively what sums, if any, were justly due from the Government to the District of Columbia, and also what sums, if any, were due from the District of Columbia to the United States Government, so that a balance could be struck, and whatever was found to be due from either to the other could be paid. In order to settle a dispute that had embarrassed the District and Congress for a generation, both the District and Congress agreed that an account should be stated of all transactions since July 1, 1874.

This was a prudent and proper method of settling this controversy. The District was claiming that it was entitled to certain credits, which claims the Congress denied; the District government contended that the United States Government had in its Treasury millions of dollars which equitably belonged to the District, and which contention Congress insisted was not well founded; but in order to compose the differences, the provisions in the act of 1922 were adopted, both the District and Congress consenting thereto. By this act the litigants came, as it were, into court and agreed that their differences might be settled and finally determined in the manner indicated; that there should be an accounting and audit of all the transactions between the United States Government and the District since 1874.

Now, the joint select committee did not carry out the instructions of Congress, and did not make the accounting which both Congress and the District agreed should be made. The committee did not investigate the fiscal affairs between Congress and the District for a period of 48 years from and after July 1, 1874, but confined its investigation to a period of only 11 years from 1911 to 1922, and for the remaining 37

years stated no account and made no audit of the fiscal affairs between the District of Columbia and the United States Government.

Now, my attitude toward this bill is reflected by a question I propounded to the gentleman from Texas [Mr. BLANTON] when he was making his argument. I asked him, if this joint committee had been appointed by a court as referees to make an audit and state the accounts between the District of Columbia and United States Government, including all items and expenditures from 1874 to 1922, and the members of that committee, acting as such referees, in defiance and disregard of the order and judgment of the court appointing them, had deliberately confined their investigation to a period of only 11 years, to wit, from 1911 to 1922, and had filed a report in court as such referees, based on an audit of such fiscal affairs for only 11 of the 48 years, would not the court on motion, objection, or exceptions of any party to the controversy have stricken out and disapproved the report, because the referees had disregarded the orders of the court appointing them and to which they must look for their powers, authority, and guidance? As such referees, it does not lie in their mouths to ignore the mandate in the order or judgment under which they are acting. It will not do for them to say, in substance, to the court "yes, you instructed us to make an accounting covering the fiscal affairs for a period of 48 years, but in our opinion we deem it unnecessary to make an audit except for 11 years, and for the other 37 years we will accept certain conclusions in two ex parte and incomplete investigations that were made without authority of Congress, and the accuracy of which is strenuously denied by persons familiar with the facts."

The resolution under which this joint select committee was appointed did not instruct the committee to audit the fiscal affairs of Congress and the District for 11 years and to accept the conclusions and deductions contained in the Mays and Spaulding reports, but, on the contrary, the resolution not only authorized but expressly directed the committee to make an audit and report of all the fiscal transactions between Congress and the District of Columbia since 1874. Under the resolution appointing this committee, it was the duty of the committee not merely to state a balance or report a conclusion but to make a full audit of all transactions for the 48 years, list each item of the expenditures, show the purpose for which such expenditure was made, and to state the account in detail to Congress, so Congress would have before it the various transactions and be able to determine the balance due from the Government to the District or from the District to the Government. How could the report of this committee be accepted and acted on by the Congress when the audit made by the committee only covers 11 years, from 1911 to 1922? If an audit is made of the other 37 years, from 1874 to 1911, it is reasonable to suppose that it would show large sums due from the District to the United States Government, because during that period Congress did not exercise careful supervision over expenditures for the maintenance of the District government but made expenditures for the benefit of the District without requiring the District to discharge its proper proportion of the expenses incident to the maintenance of the District government. Only in the last 10 or 12 years has Congress "held a tight rein" on the expenditures for the District of Columbia. The audit made by the joint select committee is not conclusive and does not show the state of the account between Congress and the District, because the committee ignored the express direction of Congress and only audited the fiscal affairs between the District and National Government for 11 years instead of 48 years, as the order of Congress creating the committee required.

In the resolution creating this joint select committee Congress ignored the Mays and Spaulding reports. Congress did not confine the activities of the committee to the 11 years, from 1911 to 1922, and did not instruct the committee to accept the findings in the Mays and Spaulding reports for the remaining 37 years. That was not the will of Congress. By this resolution Congress, in substance and in spirit, said: We will settle the controversy in this way; there shall be a new, complete, and final auditing of all fiscal transactions between the District and the Government of the United States since 1874; the committee is to review each and every expenditure covering this period of 48 years, after which the committee shall report to the Congress all these expenditures and fiscal transactions, with conclusions of law and conclusions of fact, so not only Congress but the District may have the benefits of this thorough and comprehensive accounting, and may be thereby enabled to determine, once and for all, what amount, if any, is due from the Government to the District of Columbia or from the District of Columbia to the United States Government.

I am unwilling to withhold from the District of Columbia a single dollar that is due from the United States Government to the District. If the Government of the United States owes the District the sum of \$4,438,154.92, or any other sum, I will vote to liquidate such obligation; but I am not willing to vote this enormous sum out of the United States Treasury to the District of Columbia until and unless an accurate audit is made of all fiscal transactions between the United States Government and the District of Columbia since July 1, 1874. There is no convincing evidence that this amount, or, in fact, any amount is due from the Government to the District; but if anything is due, let the amount be ascertained by an accurate audit of all the fiscal transactions between the District and the Government. The wise and proper thing is to defeat this bill and require another committee to make a comprehensive and accurate accounting of all fiscal transactions between the Government of the United States and the District of Columbia since July 1, 1874. If such an accounting shows a balance due the District, I am sure every Member of Congress will vote for an appropriation to pay such indebtedness. On the other hand, if such accounting shows the District indebted to the Government, then the Congress should insist on the District liquidating its indebtedness. I say, gentlemen, we can not afford to pass this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, I happened to be a member of the joint select committee authorized by the act of 1922 to investigate the fiscal affairs of the District of Columbia and the United States. That committee was composed of three Senators and three Representatives, and labored for a great length of time in the investigation we were required to make. I desire to read, first of all, the last paragraph in the report of the committee, which, if you will pardon me for saying so, is my own language and which reflects my ideas about this situation:

From an accounting and bookkeeping standpoint, and giving due consideration and weight to the organic law of 1878, as well as other laws passed by Congress from time to time, and the rulings of the Comptroller of the Treasury, we believe this report to all practical purposes reflects the fiscal relations between the United States and the District of Columbia and shows the surplus to the credit of the District in the Treasury of the United States. Some members of the committee believe that these laws, although binding, were in many instances more favorable to the District than they should have been if due consideration had been given to the taxpayers of the United States, and that under these laws the United States has for a long time and is now contributing more than its just proportion to the administration of the District government and the upkeep of the District, and that this is especially true when consideration is given to the limited activities and interests of the United States in the District, which are not wholly maintained at the expense of the United States, as compared to the large, expansive, and growing interests of the residents of the District or those owning property therein, and taking into consideration also the low tax rate paid on property located in the District.

If I were to speak an hour I do not think I could make myself better understood than I undertook to do in that concluding paragraph. Much has been said by the gentleman from Texas [Mr. BLANTON] about the committee not going back of 1911. We did not say in the report that we made a scrutinizing investigation or a detailed investigation back of 1911, but we did go back.

Mr. BLANTON. The only way you went back was to take what you could find in the reports by Mr. Mays and Mr. Spaulding.

Mr. WRIGHT. That, with the information we got from Mr. Hodgson, Mr. JOHNSON, and Mr. CRAMTON, and various other witnesses.

Mr. BLANTON. The facts that you got were in the report. Did not the gentleman in the hearings say that you would have gone back to 1874, but you did not have the time or the money?

Mr. WRIGHT. It is true, as the gentleman suggests, that as a member of the select committee I insisted that under the plain mandate of the act which created the commission it was our duty to go back to 1874 and make a book audit.

I still believe that should have been done, but the more we investigated, the more information we acquired, the less necessity I could see for such a course. I believe we should have done it because the law said so, but I want to qualify that and state that before the investigation had ended I was practically convinced that to go back of 1911 would be futile.

and would not practically change the figures which we submitted in the report.

Let me tell you upon what I base that. Take our friend BEN JOHNSON. He came before the committee, and I want to say about him that there is no man in the House who has a higher regard for Mr. JOHNSON than I. I really love the man, but with all due deference to Mr. JOHNSON I was surprised, I was disappointed, after he had concluded his testimony before the committee, at the limited information he gave the committee, when we thought he had made an exhaustive study of the affairs of the District.

My friend from Texas is in error when he says that Mr. JOHNSON did not contend that the Library of Congress and that the Lincoln Memorial should be taken into consideration. That was one of the points that he made. He said that under the language in respect to beautifying the District these things should have been taken into account. He said that positively, unequivocally, and he rather boasted of having framed the language himself. He said it was the solemn duty of the committee to take into consideration as a charge against the District the pro rata part of 50 per cent of the District in the cost of the Lincoln Memorial and the Congressional Library. I could not follow him in that.

I thought I had discovered a big proposition about some Georgetown bonds and some Washington bonds that were issued away back yonder, and for which I understood the United States was not to be held liable, and which had been paid by the United States, or at least 50 per cent had been paid. I thought my friend JOHNSON was going to inform us on that proposition, and I called it especially to his attention. Prima facie, it seemed to me that those items should have been resurrected and taken into account, and I want to read to you what he said.

Turn to page 280 of this report. Speaking about these Georgetown bonds and the Washington bonds, here is what he says:

Representative JOHNSON of Kentucky. My inquiry and investigation into the District of Columbia matters through the 14 years that I was on the District of Columbia Committee, went very particularly into the 3.65 bond issue, and only incidentally or collaterally into the bond issue to which you have just referred. I may be mistaken about it, but I have the general impression that when the three municipalities here, the city of Georgetown, the city of Washington, and the remainder of the District of Columbia called the Levy Court, or the County of Washington, were put into one, the one municipality of the District of Columbia, there was carried over a sinking fund from the old city of Washington into the municipality of the District of Columbia, and that that sinking fund soon became confounded with the sinking fund created for the purpose of retiring the 3.65 bonds, the retirement of which will be completed next year.

Representative EVANS. Just there, Mr. JOHNSON: Do you mean it was confounded in the books of the Federal Treasury, or do you mean that it was confounded by the actions of both Federal Treasury and District authorities?

Representative JOHNSON of Kentucky. Without being emphatic—because as I said, I have not gone into it in great detail—I have the impression that the old sinking fund, which was bankrupt, went over into another sinking fund, that for the 3.65 bonds, and was confounded by the District authorities, by paying items out of the sinking fund created for the retirement of the 3.65 bonds, without authority, and that the Treasury Department seems never to have caught it, but it just ran along until this final reckoning comes.

Representative WRIGHT. You think the District is responsible for the amount the Government paid in the retirement of those bonds?

Representative JOHNSON of Kentucky. I do not think that it should be undertaken by the report of this committee to make the District of Columbia chargeable with the half paid by the United States since the 1st of July, 1878. I did differ, and I continue to differ, with the then comptroller, who decided that the United States was not liable for any part of the 3.65 bonds from 1874 until 1878 when the half-and-half law was enacted. But I have acquiesced in his opinion to the effect that if Congress appropriated each year for the creation of that sinking fund, it should just as well be let alone and let go at that, although the comptroller in his opinion says that originally the United States was nothing except a guarantor of the 3.65 bonds.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes.

Mr. BLANTON. Then the gentlemen on this committee did not consider any sums that were expended for beautifying the District?

Mr. WRIGHT. Not in the way of the Lincoln Memorial. We considered the whole scope.

Mr. BLANTON. When the gentleman mention any item that the committee considers as beautifying the District?

Mr. WRIGHT. I can not mention any specific item.

Mr. BLANTON. Does not the organic act creating the commission direct it to go back to July 1, 1874, and take into consideration all of the sums of money that were expended in maintaining, upbuilding, and beautifying the said District?

Mr. WRIGHT. That is the very language of the law.

Mr. BLANTON. Then the committee did not carry out the direction of Congress.

Mr. WRIGHT. Oh, yes; we did. All law must be construed. I could not construe that language to mean that the District of Columbia could be justly, morally, equitably, legally, or in any other way charged with half the cost of the Lincoln Memorial or of the Library of Congress. I could not consider it in that way. We went back to 1878, and if the gentleman will read this report he will find items we canvassed back of 1878.

Mr. BLANTON. I want to commend the gentleman for the brave position that he took on this commission.

Mr. WRIGHT. I thank the gentleman.

Mr. BLANTON. He was the one outstanding figure who was demanding that the commission do what Congress directed it to do. The reason they ought to consider the beautification of the District is not to charge them with the cost, but the District is continually wanting to tax the Congress for letting the Congressional Library stay in the District, also the Lincoln Memorial, and we contend merely that we ought not to be taxed for it, because it beautifies the District, and every citizen in the District enjoys the Congressional Library and the Lincoln Memorial. Therefore we ought not to be taxed for it.

Mr. GARRETT of Tennessee. That seems a good argument as a fact, but not as a credit on a legal account.

Mr. BLANTON. That was to offset the claims of the District that we ought to be taxed great sums on account of that.

Mr. WRIGHT. We investigated the status of the accounts between 1874 and 1911. Not in detail; we did not have a thorough audit made of them, but we sought all of the information we could get about these accounts prior to 1911. We had before us Mr. Thomas A. Hodgson, a most conscientious man, an able man. He had been with the Treasury Department here from almost time immemorial, and I venture to say that he knows more to-day about the fiscal affairs between the United States and the District of Columbia than any living man. We catechized him as to the desirability of going back of 1911, and in response to questions asked him by the chairman he said:

I do not think it would be worth anything at all. I have always tried to take hold of anything there wrong in connection with my work, and every item that Mr. Mays and even Haskins & Sells and Mr. Spalding had, had been verified and proven time and time again, and I do not believe that there is but one item out to-day that has not been called to the attention of Congress. I do not believe there is but one, and I know what that is.

That was a little item of \$6,000.

Mr. LINTHICUM. Under the Mays report, did not Congress settle its accounts with the District?

Mr. WRIGHT. That was my understanding, and that was authorized by Congress.

Mr. LINTHICUM. Would not the Congress ordinarily be estopped from going beyond that settlement?

Mr. WRIGHT. I want to say about this man Hodgson that I do not believe Haskins & Sells could have rendered the account they did but for Hodgson.

He was there showing where they could find this and dig up that. Haskins & Sells made a very comprehensive report.

Mr. CRISP. Will the gentleman yield for one question?

Mr. WRIGHT. I will.

Mr. CRISP. Did the gentleman make any investigation at all between 1874 and 1878?

Mr. WRIGHT. We did.

Mr. BLANTON. What?

Mr. WRIGHT. Of any item that we could hear of in regard to which there was any dispute—

Mr. BLANTON. What auditors did you have auditing from 1874 to 1878?

Mr. WRIGHT. We did not have an audit in detail. I will call attention to the hearings, if I can find it, to some items which were brought up.

Mr. BLANTON. What audit did we have of the fiscal relations?

Mr. WRIGHT. We did not have anything like an audit, but we investigated any item we could hear of; in fact, gentlemen, we opened the gate for any information we could get, and not only investigated prior reports, but every man we thought

knew anything about the fiscal relations was invited before the committee to make a statement.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. WRIGHT. I will.

Mr. BLACK of Texas. What is the date of the Mays report which we have been discussing here?

Mr. WRIGHT. I never could recollect dates, but it was from 1878 to 1911, I think.

Mr. BLANTON. It covered certain specific items and it was not a general report at all.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. WRIGHT. I will.

Mr. MOORE of Virginia. I notice a very elaborate statement in the hearings by Mr. Hodgson, to whom the gentleman alluded. Does the gentleman remember how long he was auditor in the Treasury Department, who handled all such accounts?

Mr. WRIGHT. Thirty or forty years.

Mr. MOORE of Virginia. He was there during this period of from 1874 to 1911?

Mr. WRIGHT. Absolutely. And Haskins & Sells, in the making of their report—

Mr. MOORE of Virginia. And Haskins & Sells were the auditors called in by the gentleman's committee?

Mr. WRIGHT. Yes; and supposed to be as able as any in the United States.

Mr. WINGO. Will the gentleman yield?

Mr. WRIGHT. I will.

Mr. WINGO. I have not had an opportunity to listen to the debate. As I recall, the gentleman was on the committee, and while the committee did not have a detailed audit the committee went into a general investigation of the entire matter?

Mr. WRIGHT. Absolutely.

Mr. WINGO. And the committee became convinced that to go back of the date on which the committee started, for which they had practically an offset—

Mr. WRIGHT. That it would be absolutely an expenditure of time and money and nothing would be accomplished.

Mr. WINGO. And the committee was satisfied from the examination made, and those made prior to the audit of this man who had charge of such matters in the Treasury Department for 30 or 40 years, that the amount stated should be the amount in this bill?

Mr. WRIGHT. As near as human skill could accomplish.

Mr. WINGO. It states the amount as fully and fairly as can be done.

Mr. WRIGHT. Absolutely. Gentlemen, in conclusion I do not indorse what has been going on between the District and the United States all this long period. I think the United States has been imposed on. I think the United States has contributed largely in excess of its proportionate share, but in making this report I felt we were bound by the law that where an appropriation bill was passed a certain year saying such a thing should be done, I felt we were bound by it. And as I state in the conclusion—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIHLMAN. I yield the gentleman two additional minutes.

Mr. WRIGHT. Taking these laws into consideration and the various rulings of the Comptroller General we were bound by them and we so made out this report.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. WRIGHT. Certainly.

Mr. BLANTON. When the gentleman arose in the commission and said the commission had covered only 11 years, and he thought that under the direction of Congress it ought to go back to 1874, Senator BALL asked if the gentleman desired a preliminary report, and the gentleman replied:

I think that would be the sensible thing to do. I hardly see how it would be physically possible for this committee to investigate all of these items, with the issues which have been raised here, between now and the first Monday in February.

Now, did not you close it up and make a report?

Now, you did not go into an audit back of that time?

Mr. WRIGHT. I never insisted, as I became satisfied it would be a useless waste of time.

Mr. BLANTON. The Senators talked the gentleman into it?

Mr. WRIGHT. No; they did not. And I will say here without giving away any secrets that I told Senator PHIPPS that I was going to sign the report but with the reservation that I was going to insert that language in the closing paragraph of the report and sign it as my language, and my colleague the senior Senator from Georgia [Senator HARRIS] said he would do the same thing, and finally we compromised by

Senator PHIPPS agreeing to put it in the body of the report instead of as a separate rider. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. ZIHLMAN. Mr. Chairman, may I ask the gentleman from Texas how many more speeches he has?

Mr. BLANTON. I have only three minutes.

Mr. ZIHLMAN. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I am not sure I have sufficiently comprehensive knowledge on the subject that is before us to throw much light on the merits of the case. The commission which acted and recommended a credit of \$4,438,000 for the District was composed of men who went thoroughly into the question. It is true they did not go back to the year which they were directed to go back to, and accepted the reports from previous audits between the period of 1878 and 1911. Whether that was strict compliance with the instructions of the House and the Senate I do not know. I think, however, it is fair to assume that the Government itself owed the District, and that the District ought to receive credit for what the Government owes. I think the time has come when the question should be settled.

Mr. COLE of Iowa. This \$4,500,000 is money that came out of the United States Treasury? Or did it come out of the taxes raised by the District?

Mr. MADDEN. I think it was taxes raised by the District.

Mr. COLE of Iowa. It is District money, then?

Mr. MADDEN. Yes.

Now I want to amplify what I have said. This is not an appropriation. It is simply a credit on the books of the Treasury to the credit of the District of Columbia. Later on, however, there would have to be an appropriation, and the question then would arise whether we would appropriate \$4,438,000, or whether we would appropriate on the 50-50 basis, which would be about \$8,860,000 a year, or whether we would appropriate on a basis of 60-40, the Government paying 40 per cent and the District 60 per cent, or whether we would continue to appropriate on the lump-sum basis, which is now in existence, and which was adopted by the last session of Congress.

The fact that the lump-sum basis was then adopted has been taken as a mandate by the Committee on Appropriations, which will report, when the District appropriation bill is reported into the House, on the lump-sum basis. The argument in favor of lump-sum basis has been that as the city of Washington grows, and the expenses grow with its growth, there ought to be a limit beyond which Federal contributions should not go, on the ground that the District ought to be permitted to tax itself as much as it likes for its own improvements, and that it ought to have as free a hand as may be without extravagant waste; for I still think that we, who are responsible here, ought to hold a restraining hand over extravagant waste, even of money collected from the taxes paid by the people of the District, regardless of whether the Federal Government makes any contribution or not.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. In just a minute.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. May I have a little more time?

Mr. ZIHLMAN. May I ask the Chair how much time I have remaining?

The CHAIRMAN. The gentleman has 16 minutes.

Mr. ZIHLMAN. I yield to the gentleman from Illinois three additional minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for three additional minutes.

Mr. MADDEN. So it seems to me that we have a very clear duty to perform. We ought to do whatever is necessary to be done: First, to protect the integrity of the Federal Treasury; second, to protect the interests of the people of the District; third, to give the people of the District as wide latitude as we can to make such improvements as the future of the District may require, and that we then ought to limit the amount that we contribute and leave the people of the District as free as they wish to be to levy taxes to meet whatever obligations they want to incur within reason.

Mr. BLANTON. Mr. Chairman, will the gentleman yield now?

Mr. MADDEN. Yes.

Mr. BLANTON. The gentleman knows that if you pass this bill and take \$4,438,000 out of the general fund in the Treasury and credit it to the District that money has got to be made up

from taxes on the people to replace it in the general fund. Is not that so?

Mr. MADDEN. Well, if the money belongs to the District—

Mr. BLANTON. We have got to replace that with taxes if that is the case?

Mr. MADDEN. Yes.

Mr. BLANTON. I want to follow the gentleman from Illinois. I follow him all the time, and I want to continue to follow him. But the other day the gentleman said on this floor that the people of the District of Columbia had come to believe this Government was run for their benefit, and that they expected great big sums to be handed out to them.

Mr. MADDEN. Did I say that? [Laughter.]

Mr. BLANTON. The substance of it.

Mr. MADDEN. I do not think I said that.

Mr. BLANTON. Has the gentleman changed?

Mr. MADDEN. No; I have not changed. I do not want to begoff the issue. I will be as clear as I can. I think we ought to adjust this problem, and I think it would be well to adjust it in company with the recommendation made by the gentleman from Michigan [Mr. CRAMTON], also to adjust the question as to whether we are in the future to have a percentage contribution from the National Treasury or a lump-sum contribution.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HAWLEY. Is not this a correct statement of what would happen if this bill is passed? When the bill is passed the Government would pay a lump sum, about \$9,000,000, and also \$4,500,000 indebtedness for expenditure, making something like \$13,000,000 for the next fiscal year?

Mr. MADDEN. I think that would likely be it.

Mr. HAWLEY. And the District would pay \$4,500,000 less than the amount of the appropriation, because that amount would be credited to it?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I am through.

Mr. GARNER of Texas. As I understand, the gentleman from Illinois did say so, but what was in his mind was something like this, that if the House will give the Committee on Appropriations this leverage, it will be enabled to get a law from the Senate, providing for a lump sum. If the House could induce the Senate, it would be a wise thing to do to get that policy established.

Mr. MADDEN. The Committee on Appropriations of the House has accepted the mandate given it in the last session of Congress, and under that mandate it will report a lump-sum appropriation. In the meantime we want, if we can, to get all these matters adjusted, so that there will be no controversy between the District and the National Treasury.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman from Texas [Mr. BLANTON] consume some of his time?

Mr. BLANTON. I will.

The CHAIRMAN. The gentleman from Texas is recognized for three minutes.

Mr. BLANTON. Mr. Chairman, my memory does not often fail me, and I am going to extend my remarks, and I am going to put into the RECORD what the gentleman from Illinois [Mr. MADDEN] said when we had under consideration the Lincoln Birthday bill, or possibly some other bill.

Mr. MADDEN. That was a year ago.

Mr. BLANTON. No; about a month ago, when the gentleman came in here and helped us defeat that bill.

Mr. MADDEN. You could not add anything to Lincoln's fame by having his birthday celebrated.

Mr. BLANTON. No. I am talking about what the gentleman said about these District people taking money out of the Treasury.

Gentlemen, you ought to defeat this bill. I am going to move to strike out the enacting clause. Then let us go back to 1874 and have a commission do what Congress instructed this commission to do—audit these accounts from 1911 back to 1874. Then we can accept that report. BEN JOHNSON said that report covered special items, not a general audit, and that the Spaulding report covered only special items.

There was no general audit but an audit of certain items in controversy. There has been no report on it. There has been no investigation by a committee of the House. Let us pay the District what we owe it after we have had an audit.

I would like to be on such an auditing commission. I promise you I would go into the accounts; I promise you

that when I brought in a report it would cover the period from 1874 to 1911. It would cover it like a glove covers a hand. That is the kind of a report I would make and that is the kind of an investigation I would make if I were on a commission like that.

I hope you gentlemen will do this: Strike out the enacting clause of this bill and then let us determine what we owe the District. I have never in my life had an account presented to me twice, not an account; I pay my own debts promptly, and I believe in the Government paying its debts. If we owe the District let us pay them, but let us be sure we owe them, first. We have plenty of time. The District is not going to run off. They are still enjoying a low rate of taxation, of only \$1.40 on the \$100; they are not suffering. The Congress is not going to run away. We will have plenty of opportunity to audit this account. Let us defeat this bill now; let us not pay this \$4,438,154.78; let us wait and ascertain the facts and then, if we owe the money, pay it. I too, like to sit around the banquet table with these delightful citizens down in the District, and please them, and I hate to go against them, but duty requires it.

Mr. Chairman, I find now upon reflection, that when I referred to something the gentleman from Illinois [Mr. MADDEN] had said, I was in error in stating that it was during the consideration of the Lincoln Birthday bill, for it was in fact during the consideration of the rent bill on April 28, 1924. He then said:

Why should we sneeze for everybody out of the Government Treasury. Everybody has reached the point now, particularly the people in the District of Columbia, where they think the Government owes them something. We ought to stop that.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ZIHLMAN. Mr. Chairman and gentlemen, as I understand the situation, this \$4,500,000 is money already collected from the taxpayers of the District of Columbia; it is now to the credit of the District but is not available for appropriation. If this bill passes, we give to the Appropriations Committee of the House the power to appropriate this money, not necessarily, as suggested by the gentleman from Oregon [Mr. HAWLEY]—

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. It has not been credited to the District. There is nothing about this \$4,000,000 on the books of the Treasury.

Mr. ZIHLMAN. Well, the gentleman does not contradict the fact that this money has been collected, has been appropriated but not used, and it has been accumulating over a period of years. The money does not necessarily have to be appropriated, as was suggested by the gentleman from Oregon [Mr. HAWLEY], to meet the District's contributions to the expenses of the municipal government. The Appropriations Committee can appropriate it for schools, for roads, for sewers, or for water. It is left entirely under the jurisdiction of the Appropriations Committee and the House.

Now, a great deal of emphasis has been laid on the fact that this committee did not go back by an actual audit to the years before 1911. Why, gentlemen, pursuant to resolutions adopted by this House, two audits were made from 1874 up until 1911, one known as the Mays report and the other known as the Spaulding report. These reports showed that the Federal Government was the creditor of the District of Columbia; that the District of Columbia owed the Federal Government more than \$2,000,000, which had been paid contrary to law. Congress acted upon those reports, and the District has reimbursed the Federal Government. Now, here is a commission appointed to make an investigation; they find a credit in favor of the District of Columbia and that this money is honestly owed to the District of Columbia. Should we accept the findings of these previous commissions and repudiate the findings of our own agents?

Mr. JONES. I would like to ask the gentleman a question for information. I notice a statement by the gentleman from Kentucky [Mr. JOHNSON] that the Mays report which the gentleman refers to only covered specific items.

Mr. ZIHLMAN. The report covered specific items, and later a gentleman by the name of W. W. Spaulding checked up the report of the Mays, father and son, I think, and brought out a number of additional items, and the commission which made this report went into those various items and found that in nearly every instance they had been taken care of, I think as stated by the gentleman from Georgia, with the exception of one item, and all that money has been credited to the Federal Government. This is a just debt. It

is money collected from the people of the District of Columbia and it should be made available by appropriation for their use.

Mr. SNELL and Mr. BLANTON rose.

Mr. ZIHLMAN. I yield first to the gentleman from New York.

Mr. SNELL. Does not the gentleman from Maryland think it would be better to bring in one comprehensive bill settling all the affairs connected with the fiscal relations of the District and settle them all at one time instead of taking them up piecemeal like bringing in a bill providing for this surplus fund, and this surplus fund bill is really a misnomer, because there is no such fund in the Treasury, as I understand it.

Mr. ZIHLMAN. There is a balance due the District according to the books of the Treasury. Whether the money is there or not, there is a book credit or book balance there.

Mr. SNELL. Is it a fact that there is a book balance there due the District?

Mr. ZIHLMAN. I refer the gentleman to the report of the committee.

Mr. SNELL. I understood the gentleman from Michigan [Mr. CRAMTON] to say there is not any book balance there.

Mr. ZIHLMAN. There is a certificate of the Comptroller General of the United States showing that there is a credit due the District less certain items which have been deducted by this committee.

Mr. SNELL. My position is we should settle all these matters at one time in one comprehensive bill and have them all wound up for all time, and I do not believe we will get anywhere by passing this bill and leaving the whole question open.

Mr. ZIHLMAN. I do not agree with the gentleman's statement. The matter to which the gentleman refers and which has been incorporated in a bill similar to this, introduced by the gentleman from Michigan, is an entirely different matter. That is a question of a lump-sum appropriation and a question of the repeal of the organic act.

Mr. SNELL. But it covers the whole fiscal relation of the District to the Government and settles these matters for all time or at least until new legislation is enacted.

Mr. ZIHLMAN. There are many questions involved, and you can not settle them all by one piece of legislation, even though it does come from the ready pen of the gentleman from Michigan [Mr. CRAMTON].

Mr. REED of West Virginia. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the chairman of the committee.

Mr. REED of West Virginia. It has been very well stated by the gentleman and by other speakers that the taxpayers of the District of Columbia paid this lawfully, and no matter whether the law was just or unjust, it was the law, and they paid it into this fund. Is there any question but what at any time during those years, if Congress had made an appropriation for sewers or for other improvements in the District of Columbia, it would not have been perfectly legal and no question raised if Congress had passed an appropriation giving the District at any time the benefit of this money at the time it was paid into the Treasury.

Mr. ZIHLMAN. I do not think the gentleman is absolutely correct. I do not think Congress could appropriate in another fiscal year money they had deducted in a previous year.

Mr. REED of West Virginia. But at that time no question would have been raised about it belonging to the District and being paid to the District.

Mr. ZIHLMAN. No.

Mr. HAWLEY. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HAWLEY. Is it the gentleman's position with reference to this fund that the District raised by taxation and paid into the Treasury of the United States some \$4,478,000 more than its proportionate share under the laws that had been passed from time to time?

Mr. ZIHLMAN. Where they have raised money which has not been used for the purpose appropriated and items have grown and built up this surplus. They have at times, for instance, during the war, appropriated money for certain improvements which it was not practical to go ahead with, and that money has gone over the period of the fiscal year and is lying in the Treasury and should be to the credit of the District.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. BLANTON. The gentleman spoke of the Mays report and the Spaulding report; has the gentleman read those two reports?

Mr. ZIHLMAN. I read what the commission said, wherein they give the items amounting to \$2,000,000.

Mr. BLANTON. They just merely mention those reports. The gentleman has not read those two reports?

Mr. ZIHLMAN. No.

Mr. Chairman, I ask for a reading of the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. I presume this bill is to be read by sections and not by paragraphs?

The CHAIRMAN. It will be read by sections.

The Clerk read the bill, as follows:

Be it enacted, etc., That pursuant to the report of the joint select committee appointed under the provisions of the act entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes," approved June 29, 1922—

(a) There shall be credited to the general account of the District of Columbia required under the provisions of the first paragraph of such act to be kept in the Treasury Department the following sums:

- (1) \$7,574,416.90, representing the balance in the general fund in the Treasury for such District on June 30, 1922, and
- (2) \$665.46, representing an adjustment of certain errors; and
- (b) There shall be charged to such account the following sums:
 - (1) \$2,903,219.93, representing the District's proportion of unexpended balances of appropriations on June 30, 1922, together with certain obligations and encumbrances accruing after such date,
 - (2) \$191,890.35, representing the District's proportion of the annual bonus paid to certain employees of the District,
 - (3) \$41,500, representing the District's proportion of the cost of additional land for the National Zoological Park, and
 - (4) \$317.16, representing the District's proportion of an amount appropriated by special act of Congress for the relief of Eldred C. Davis.

Such credits and charges to the general accounts of the District of Columbia shall be made without the payment of interest thereon by either the United States or the District of Columbia; and the making of such credits and charges shall be held to be in full satisfaction of all claims and demands either for or against the United States or the District of Columbia in respect to the items involved therein.

The sum of \$4,438,154.92, representing the difference between such credits and charges, is hereby made permanently available in such account of the District of Columbia for appropriation by the Congress for such purposes as it may from time to time provide: *Provided*, That nothing contained in this act shall be construed to deprive the District of Columbia, as of and on June 30, 1922, in addition to the sum named herein, of credit for the surplus of revenues of said District collected and deposited in the Treasury of the United States during the fiscal year 1922, over and above all appropriations and other charges for that year or of credit for the unexpended balances of District of Columbia appropriations covered into the surplus fund by warrant of the Secretary of the Treasury issued on June 30, 1922; or of credit for the proportion the District of Columbia may be entitled to of miscellaneous receipts paid directly into the Treasury during the fiscal year 1922; or of credit for the amount erroneously charged against the revenues of the District for the fiscal year 1922 on account of appropriations made by the third deficiency act, fiscal year 1922, approved July 1, 1922, as the amount of said appropriations were charged against the revenues of the District of Columbia for the fiscal year 1923, totalling the sum of \$819,373.83, which is included in the total sum of \$2,903,219.93 mentioned in line 8, page 2, of this bill, and taken into account in arriving at the net balance of \$4,438,154.92, above stated.

Provided further, That the Comptroller General of the United States shall ascertain and determine whether the items mentioned in the preceding proviso were improperly taken into account in arriving at the net balance of \$4,438,154.92, and if, and to the extent that, any or all of said items shall be so determined to have been improperly taken into account, the amount thereof shall be added to the said fund of \$4,438,154.92 and likewise shall be available permanently in the general account of the District of Columbia for appropriation by the Congress for such purposes as it may from time to time provide: *And provided further*, That the Comptroller General shall submit to the Congress at its next regular session a detailed report of the result of his determination and action as authorized herein.

Mr. CRAMTON. Mr. Chairman, I make a point of order.

Mr. BLANTON. I have a preferential motion, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan has a point of order, which will be heard first.

Mr. CRAMTON. Mr. Chairman, I make the point of order that the bill in effect proposes an appropriation and hence the

Committee on the District of Columbia has no jurisdiction. In support of that I would like to call the attention of the Chair to the fact that on page 1 of the bill, lines 10 and 11, this language is used:

There shall be credited to the general account of the District of Columbia required under the provisions of the first paragraph of such act, to be kept in the Treasury Department, the following sums.

And then various sums are enumerated.

On page 3 it is set forth in line 5 and following that—

The sum of \$4,438,154.92, representing the difference between such credits and charges, is hereby made permanently available in such account of the District of Columbia for appropriation by the Congress for such purposes as it may from time to time provide.

The fund referred to is that in the first paragraph of the 1922 appropriation act which contains these provisions, eliminating those which do not bear upon the question of the fund:

And that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927.

And that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it.

And that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenues, the purpose of expenditure, and the appropriation under which the expenditure is made.

The point of order I make is that the bill before us is in effect an appropriation; that is to say, it takes \$4,000,000 plus in the Treasury of the United States over which the District of Columbia has no control whatever, takes it out of this fund and turns it over to the District of Columbia just as fully as Congress could do it under existing conditions. If this were a claim from a State, instead of using the language here and transferring it on the books of the Treasury we would turn the money over to the State, and the State would make the expenditure in accordance with its own uses. But a peculiar situation prevails in the District of Columbia. As to the District of Columbia the Treasury keeps the books, as to the District of Columbia Congress determines the appropriations. Now, what I understand will be the procedure if the bill becomes a law is this: The Treasurer will mark down in a special account authorized in the appropriation act of 1923, the account they were required to open, as a receipt of the District of Columbia an item of \$4,000,000 plus. It will be entered in there the same as if they had received \$4,000,000 from taxes or from license fees, and it will be called a receipt of the District of Columbia in that special account. We will pass an appropriation bill, we will say, for \$30,000,000 and out of which \$21,000,000 is to be paid from that special fund of the District of Columbia and \$9,000,000 from a general fund of the Federal Government. Now, that \$21,000,000, when they try to determine the tax rate they will first determine how much surplus was left over from last year; that is, when they levy the taxes they can not levy exactly the amount that was necessary to take care of the expenditure for the current year, and they have to run over a little. Whatever it was is valid under the present law for next year's expenditures and what is coming in in the license taxes, and so forth—in other words, the balance that remains in that fund this year—they will use next year. Then they will say, "Here is \$4,000,000 that is ours," and they will

subtract that and say, perhaps, "\$15,000,000 would be all that is necessary to raise from taxation."

It may be said that this is not appropriating the money, that further action is to be had by Congress. That is because of the dual capacity which Congress occupies with reference to District financial matters.

We are acting to-day on behalf of the Federal Government determining how much money the Federal Government should pay over to the District. When we have authorized that money to be paid over and in effect it has been paid over, although there is only a transfer on the books—in effect it amounts to a transfer—then comes the other function of Congress in acting for the District in determining how the District shall spend the money—a situation that would not obtain if a State were the claimant. Under the conditions as they are, we are assuming to-day to do all that is physically possible. For instance, if this bill were so drafted that no further action by Congress was necessary, we would have to provide to turn the \$4,000,000 plus over to somebody. To whom could we turn it over? We could not turn it over to the District auditor, because he has no authority to receive it or to expend it. We could not turn it over to the commissioners, because they have no authority to expend it. To whomsoever you turned it over there would remain the necessity of Congress providing for its expenditure. So I contend that this goes as far as we could go if we were seeking to make a direct appropriation of \$4,000,000 to the District. It is in effect taking \$4,000,000 out of the Federal Treasury and turning it over to the District of Columbia. That being true, it would not be within the jurisdiction of this committee.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SNELL. The District of Columbia could not spend this money without the authorization of Congress, could it?

Mr. CRAMTON. That is because Congress acts for the District government, and it is in a sense the guardian of the District.

Mr. SNELL. Are there not certain funds, fees, and so forth, that come into the District that the District can spend without authority of Congress?

Mr. CRAMTON. Not now.

Mr. SNELL. I understood from some statements made to-day that there were.

Mr. CRAMTON. Formerly there were, but I think that has been done away with; for instance, such products as might come from some of the institutions which might be sold.

Mr. SNELL. When we provide for a certain tax on the District does not that in a certain way appropriate as much as this would?

Mr. CRAMTON. The gasoline tax is an instance of that. The gasoline tax is a special tax, and that is paid by those who buy gasoline. That is turned into the Treasury and is held by the Treasury as the money of the District of Columbia to the credit of the District of Columbia, but the District of Columbia can not spend that for the purpose that is authorized by law for the improvement of highways except as Congress authorizes such appropriations. When Congress does authorize such an appropriation Congress is then acting not for the Federal Government but for the District of Columbia. To-day we are acting for the Federal Government in taking \$4,000,000 away from the Treasury and giving it to the District. When we come to consider the District appropriation bill we will then be in effect acting for the District of Columbia in our capacity as trustee or guardian.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CARTER. Suppose before any appropriation is made of this fund Congress should change its mind and come to the conclusion that the District was not entitled to this sum of money? What would the gentleman say about the power of Congress to then take the account back; to send the money back to the Treasury?

Mr. CRAMTON. That illustrates the peculiar relation that Congress bears to these matters. If that were the State of Oklahoma and we should to-day pass an act turning \$4,000,000 over to the State of Oklahoma, we could not next year pass an act taking it back, because we do not govern the State of Oklahoma, but inasmuch as we have full Government control over the District of Columbia then next year, if we so desire, we can of course repeal this and take it away.

Mr. ZIHLMAN. Mr. Chairman, I call the attention of the Chair to the language of the bill, that we are simply attempting to carry out the findings of a joint select committee of Congress, which found that this money should be credited to

the District of Columbia, and that in paragraph (a) we simply provide that the money be credited to the general account of the District of Columbia, and on page 3 of the bill we make this sum permanently available in such account of the District of Columbia for appropriation by Congress. Certainly it is a mere crediting of these items and is in no sense an appropriation as it has been stated by the gentleman who made the point of order, and it has been stated by him that a mere authorization of an appropriation does not necessarily mean that Congress is going to make the money available.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ZIEHLMAN. Yes.

Mr. MOORE of Virginia. Suppose the bill simply stated that taking into consideration laws heretofore in effect and collections and disbursements heretofore made the House reached the conclusion that the District of Columbia is entitled to the credit of the \$4,000,000 plus?

Now, if the bill stopped right there, certainly the point of order would not lie. The bill goes beyond that and it says as to this amount of money that it is placed primarily in the control and under the authority of the Committee on Appropriations, so we have a simple case of a bill doing two things. First, recognizing that an accounting has been made and a certain balance found, and independent of that power is conferred on the Committee on Appropriations to act.

Mr. ZIEHLMAN. As they see fit.

Mr. WINGO. Mr. Chairman, I think the complete answer to the point of order is the character of the bill. What does the bill seek to do? It seeks to restate an account. That is what it is, but it specifically provides for authorization for an appropriation to carry out the result of the restatement of the account. Suppose you brought in a bill to-day that in the administration of the pension laws of the United States Bill Jones shall be deemed to have done so and so. Would a point of order lie against that for an appropriation? The gentleman says, however, we are in a dual capacity; that if it was the State of Oklahoma which had an account restated Congress would not have any power to meet next year and take the money away from them. Instead of that being an argument in support of the point of order it is against it. We are acting in a dual capacity. We are stating an account between ourselves and the District of Columbia and we simply certify and declare by a lawful resolution that in the handling of this account heretofore we have not stated the account correctly, and that the Government shall restate the account so that the facts may appear. Now, it is the facts that will make available whatever results the gentleman from Michigan talks about, but it specifically provides an appropriation by Congress. The money is not there in one breath, and here in the next breath they say there is an appropriation of money. It is simply a restatement of an account and not one dollar can be used after the account is restated until there is an appropriation by Congress to cover it. Now, the effect of the working out of laws, as, for instance, the fixing of a quota for levying the tax rate in the District, that is an incidental and indirect effect that does not bear on the direct question with reference to a direct appropriation for which the legislative committee is not authorized to provide.

Mr. HAWLEY. Mr. Chairman, this bill does two things. First, it states that as a fact the District of Columbia has paid the Treasury of the United States the sum of four million four hundred and thirty-eight odd thousand dollars, which has not been expended by reason of appropriations made by Congress; and then, secondly, there is that amount of money to the credit of the District in the Treasury. Then in order to prevent any question as to its future disbursement the bill provides that the money shall not be disbursed in any way except by appropriation made by Congress for such purpose as Congress may direct. It seems to me that it is a legislative bill from a legislative committee establishing a legislative fact, and it is providing how the money shall be controlled and by whom appropriated under the rules of the House and under the laws of the country.

Mr. BLANTON and Mr. CARTER rose.

The CHAIRMAN. Did the gentleman from Texas speak before on the point of order?

Mr. BLANTON. I yield to the gentleman from Oklahoma.

Mr. CARTER. Mr. Chairman, a few moments ago I asked the committee chairman this question: Suppose that Congress should change its mind with reference to this matter and should conclude by the next session of Congress that it did not owe the District of Columbia this \$4,000,000, the money having already been transferred to the credit of the District, would Congress then have the right to take that money from

the District and return it to the Federal Government? I may be wrong about it, but to my mind that goes to the meat of the proposition. If Congress has the right to pass a bill at the next session taking from the District this \$4,000,000, return it to the Federal Treasury, then I think at least the spirit of the rule with reference to appropriations would not be violated, and, perhaps, the letter of it. But if it is not, then certainly this must be considered as an appropriation. Whenever we legislate the Federal Government's interest away and vest that interest in another party, certainly that must be an appropriation of money.

Mr. BLANTON. Mr. Chairman, an appropriation, as the Chair knows, is taking money out of the general fund of the Treasury and applying it to some account; when it is so taken and applied it is appropriated. This bill does nothing less than direct the Secretary of the Treasury to take out of the general fund of the Treasury \$7,574,916.90 and credit it to the District, and then charge certain amounts against that sum, making a net credit of \$4,433,164.92. When this bill directs the Secretary of the Treasury to take money from the general fund and credit it to the District of Columbia, it is an appropriation of money from the general fund. When it leaves the general fund it is appropriated.

I want to call the attention of the Chair to a decision rendered by Mr. Speaker GILLET when there was a bill from the Committee on the Judiciary here before the House seeking to put into force and effect in one of our island possessions certain provisions of the prohibition law which we had made applicable to the United States. The gentleman from Massachusetts, Mr. Walsh, a former distinguished parliamentarian of this House, raised the question that that bill could not be considered, because the committee from which the bill came had no appropriating power, and that it carried, in effect, an appropriation, because it required the expenditure of public money already appropriated by Congress to enforce prohibition in the United States; and Mr. Speaker GILLET sustained the point of order, notwithstanding the fact that four-fifths of this House wanted to consider that bill and wanted to pass it. That point of order, made by Mr. Walsh, was sustained, and we were refused consideration of that bill.

Because I thought it best to fight this bill out on the floor and let a vote be reached on the merits of it, I did not make the point of order myself, and yet I believed the point of order was good. I think the Chair can not escape sustaining the point of order made by the gentleman from Michigan [Mr. CRAMTON].

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. Does the gentleman make any distinction between the wording, "the Secretary of the Treasury is hereby authorized," and the language empowering him to make a credit available?

The CHAIRMAN. The point of order of the gentleman from Michigan [Mr. CRAMTON] is that this bill carries an appropriation and therefore can not be reported by this committee, because the committee has no jurisdiction to report appropriations. He makes the point of order under section 4 of Rule XXI. The part applicable to this case is the first portion of the section, which the Chair will read:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations.

The gentleman from Michigan maintains that in effect this bill makes an appropriation. In order to consider the matter from all sides let us turn it around for a moment. Suppose that the District of Columbia appropriation bill were pending before the committee and the gentleman from Maryland [Mr. ZIEHLMAN] should arise and attempt to offer this bill as an amendment to the appropriation bill on the ground that it is an appropriation. If the gentleman from Michigan were on guard, we should very probably see him rise in his place and contend that it is not an appropriation, in order to keep it off his appropriation bill.

Mr. CRAMTON. Mr. Chairman, I think in that event the point of order might be that it was an appropriation, but an appropriation not authorized by law. Legislation is required on the appropriation, and I contend that this is not merely a bill authorizing an appropriation, but an appropriation itself.

The CHAIRMAN. The question is whether it is, in fact, an appropriation; and that raises the question of just what an appropriation is, in the sense in which it is used in the rule. It does not follow because the ultimate result would be to charge the Treasury with an additional \$4,500,000 over and above that with which it is now charged that it is therefore

an appropriation. As the Chair understands, what in the last analysis constitutes an appropriation is the final authority for separating from the Treasury a sum of money carried in a bill.

In the case cited by the gentleman from Texas [Mr. BLANTON], the decision of Mr. Speaker GILLET was in a case where an amendment came over from the Senate adding an additional amount to an appropriation. A different rule applies to Senate amendments that is not applicable here. It seems clear to the Chair that this bill does not carry an appropriation in the sense in which that word is used in the rules of this House. Therefore the Chair overrules the point of order made by the gentleman from Michigan.

Mr. BLANTON. Mr. Chairman, I make a preferential motion. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Texas moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Texas asks for a division. As many as favor striking out the enacting clause will rise and stand until they are counted.

The committee divided; and there were—ayes 32, noes 47.

So the motion was rejected.

Mr. CRAMTON. I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 3, lines 8 and 9, after the word "Congress," strike out "for such purposes as it may from time to time provide" and insert in lieu thereof the following, "for purchase of land and construction of buildings for public school, playground, and park purposes."

Mr. WINGO. Mr. Chairman, I make the point of order that the bill simply provides that this fund shall be available in general terms while the gentleman's amendment seeks to provide that it shall be spent in a specific manner. It seeks to turn a general bill into a specific one and, therefore, is not germane, because this is an authorization for general purposes hereafter to be determined. The gentleman seeks to go further and determine now the purposes for which the fund shall be used.

Mr. BLANTON. Mr. Chairman, I make the further point of order that it is not germane either to the bill or to the section to which it is offered. This bill claims to be an audit and the settlement of an account. If this money, as stated by the gentleman from Arkansas [Mr. WINGO], is due the District, they have the right to use it in any way the law provides, and they can not be restrained from so using it and made to use it in some particular way.

Mr. CRAMTON. Mr. Chairman, in reply to the point of order I only want to say that I thought this amendment was satisfactory to the friends of the bill. The bill provides that the money shall be available for appropriation by Congress for such purposes as it may from time to time provide, and all of the purposes enumerated are purposes for which the Congress has authority to make appropriations. Therefore we do not broaden the language, but do specify that this money can only be used for certain purposes.

Mr. WINGO. The gentleman will admit that the language he seeks to strike out simply provides this, that it shall be available for general appropriation purposes in the future, such purposes to be determined hereafter by Congress. The gentleman seeks to take up that question now.

Mr. CRAMTON. Which we have a perfect right to do.

Mr. WINGO. In other words, the bill provides that the purposes for which the fund is to be used are to be determined later by Congress, and the presumption is that those purposes will be determined when we pass the annual District of Columbia bill. Now, the gentleman by his amendment seeks to go into that field and undertakes to determine something that is generally and ordinarily determined in the consideration of the annual appropriation bill or in a special bill that might be brought in, so that it would really be an appropriation.

Mr. CRAMTON. If the amendment I have offered should be adopted, it would still be incumbent upon Congress to determine specifically the use of the money for this school or that park or that playground, but the scope of the purpose has been narrowed by this amendment.

Mr. WINGO. Is not that a question which is determined when we pass the annual District appropriation bill? Do we

not at that time determine the purposes for which the funds in the Treasury credited to the District shall be appropriated? That is an appropriating act, is it not?

Mr. CRAMTON. It has been held that this is a legislative act and not an appropriation act. Now, when Congress passes appropriations those appropriations must be sustained by existing legislation, and they can not be for purposes not authorized by law. If any amendment is accepted this bill will present a more limited authority for appropriating purposes than it would as it stands at present.

Mr. MOORE of Virginia. May I ask the gentleman, would not that, in essence, although to a limited or modified extent, be making an appropriation?

Mr. CRAMTON. No; it would not. It is enumerating and restricting the subjects of appropriation, and the making of the particular appropriations we leave, under the rules, to the Committee on Appropriations.

The CHAIRMAN. The Chair is ready to rule. On the point of order made by the gentleman from Arkansas [Mr. WINGO] it is sufficient to call attention to the fact that it is one of the fundamental principles of parliamentary law that while a specific subject may not be amended by a provision general in its nature, a general subject may always be amended by a specific proposition of the same class. The terms of this bill being general, it follows that the specific proposition may be added. The Chair overrules the point of order.

The gentleman from Texas [Mr. BLANTON] makes the point of order that the amendment is not germane to the preceding section. As there is no preceding section, the bill having only one section, the Chair overrules this point of order.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. MORGAN, for five days, beginning January 13.

Mr. O'SULLIVAN (at the request of Mr. GARRETT of Tennessee), indefinitely, on account of illness.

Mr. PATTERSON, for two days, on account of important business.

APPOINTMENT TO COMMITTEE

Mr. LONGWORTH. Mr. Speaker, I move the election of the gentleman from Iowa, Mr. KOPP, to fill one of the vacancies existing on the Committee on Flood Control.

The motion was agreed to.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 13, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

789. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting report of the Chesapeake & Potomac Telephone Co. for the year 1924; to the Committee on the District of Columbia.

790. A letter from the Public Printer, transmitting annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1924; to the Committee on Printing.

791. A letter from the Secretary of War, transmitting a draft of proposed legislation for the relief of the commanding officer Fort Huachuca, Ariz.; to the Committee on Claims.

792. A letter from the Secretary of War, transmitting report of the Chief of Engineers, United States Army, showing the name of each civilian engineer employed between July 1, 1923, and June 30, 1924, in the work of improving rivers and harbors, the time so employed, the compensation paid, and the place at and works on which employed; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. SNELL: Committee on Rules. H. Res. 400. A resolution providing for the consideration of H. R. 11472; without amendment (Rept. No. 1132). Referred to the House Calendar.

Mr. FREE: Committee on the Merchant Marine and Fisheries. H. J. Res. 317. A joint resolution extending the time limitation authorizing the use of Government-owned radio stations for certain purposes; without amendment (Rept. No. 1133). Referred to the House Calendar.

Mr. UNDERHILL: Committee on Claims. S. 2719. An act to authorize the payment of an indemnity to the British Government on account of losses sustained by the owners of the British steamship *Baron Berwick* as the result of a collision between that vessel and the U. S. S. *Iroquois* (now *Freedom*) and a further collision with the U. S. destroyer *Truxtun*; without amendment (Rept. No. 1134). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 11252. A bill for the construction of additional facilities at Walter Reed General Hospital; without amendment (Rept. No. 1164). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 11410. A bill to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii; without amendment (Rept. No. 1165). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. UNDERHILL: Committee on Claims. S. 78. An act for the relief of the owners of the barge *Anode*; with an amendment (Rept. No. 1135). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 82. An act for the relief of the owners of the steamship *Comanche*; with an amendment (Rept. No. 1136). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 84. An act for the relief of the owners of the steamship *Ceylon Maru*; with an amendment (Rept. No. 1137). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 785. An act for the relief of the Eastern Transportation Co.; without amendment (Rept. No. 1138). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 833. An act for the relief of Emma LaMee; without amendment (Rept. No. 1139). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1038. An act for the relief of the Brooklyn Eastern District Terminal; without amendment (Rept. No. 1140). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1039. An act for the relief of the owner of the scow *W. T. C. No. 35*; with an amendment (Rept. No. 1141). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1040. An act for the relief of the owners of the New York Sanitary Utilization Co. scow No. 14; with an amendment (Rept. No. 1142). Referred to the Committee of the Whole House.

Mr. FREDERICKS: Committee on Claims. S. 1930. An act for the relief of the San Diego Consolidated Gas & Electric Co.; without amendment (Rept. No. 1143). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1937. An act for the relief of the Staples Transportation Co., of Fall River, Mass.; without amendment (Rept. No. 1144). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2079. An act for the relief of the owner of the American steam tug *O'Brien Brothers*; without amendment (Rept. No. 1145). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2130. An act for the relief of the owner of the ferryboat *New York*; without amendment (Rept. No. 1146). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2254. An act for the relief of the Beaufort County Lumber Co., of North Carolina; without amendment (Rept. No. 1147). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2293. An act for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.); without amendment (Rept. No. 1148). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2800. An act for the relief of the Canada Steamship Lines (Ltd.); without amendment (Rept. No. 1149). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2992. An act for the relief of the Berwind-White Coal Mining Co.; without amendment (Rept. No. 1150). Referred to the Committee of the Whole House.

Mr. THOMAS of Oklahoma: Committee on Claims. H. R. 4913. A bill to pay to Jere Austill fees earned as United States commissioner; without amendment (Rept. No. 1151). Referred to the Committee of the Whole House.

Mr. McREYNOLDS: Committee on Claims. H. R. 5637. A bill for the relief of Edward R. Wilson, lieutenant commander, Supply Corps, United States Navy; without amendment (Rept. No. 1152). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 7969. A bill for the relief of Henry Oates; with an amendment (Rept. No. 1153). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 8651. A bill for the relief of Oscar P. Stewart; without amendment (Rept. No. 1154). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9238. A bill for the relief of the owners of the barkentine *Monterey*; with an amendment (Rept. No. 1155). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 1960. A bill for the relief of Willard Thompson; without amendment (Rept. No. 1156). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 2225. A bill to correct the military record of Thornton Jackson; with an amendment (Rept. No. 1157). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 2739. A bill to remove the charge of desertion from the records of the War Department standing against William J. Dunlap; with an amendment (Rept. No. 1158). Referred to the Committee of the Whole House.

Mr. McKENZIE: Committee on Military Affairs. H. R. 3541. A bill for the relief of Henry Shull; with an amendment (Rept. No. 1159). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7934. A bill for the relief of Benjamin F. Youngs; without amendment (Rept. No. 1161). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 10763. A bill for the relief of William Lentz; without amendment (Rept. No. 1162). Referred to the Committee of the Whole House.

Mr. VAILE: Committee on the Public Lands. H. R. 2905. A bill to authorize an exchange of lands with Ed Johnson, of Eagle, Colo.; without amendment (Rept. No. 1163). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 3727. A bill for the relief of Andrew Cullin; without amendment (Rept. No. 1160). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10420) granting a pension to Susie Elgretta Henderson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11486) granting an increase of pension to Frances A. Horr; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11231) granting a pension to Gilbert B. Perrin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 11540) making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana; to the Committee on the Public Lands.

By Mr. PEAVEY: A bill (H. R. 11541) to provide for the establishment of transportation lines on the Great Lakes, to increase the capital stock, powers, and duties of the Inland Waterways Corporation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 11542) to authorize the Secretary of State to acquire in Rome a site, with an erected building thereon, at a cost not to exceed \$250,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11543) to authorize the Secretary of State to acquire in Brussels a site, with an erected building thereon, at a cost not to exceed \$200,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11544) to authorize the Secretary of State to acquire in Berlin a site, with an erected building thereon, at a cost not to exceed \$250,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11545) authorizing the Secretary of War to replace the granite with marble on the tomb of the unknown soldier in front of the Memorial Amphitheater in the Arlington Cemetery; to the Committee on the Library.

By Mr. VESTAL: A bill (H. R. 11546) to define the status of retired officers of the Regular Army who have been or may be detailed as professors and assistant professors of military science and tactics at educational institutions; to the Committee on Military Affairs.

By Mr. SEARS of Florida: A bill (H. R. 11547) granting to the town of Palm Beach, State of Florida, certain public lands of the United States of America for the use and benefit of said town; to the Committee on the Public Lands.

By Mr. LEACH: A bill (H. R. 11548) to admit free of duty carillons of bells for use in houses of worship and for the remission and refunding of duties on certain carillons of bells; to the Committee on Ways and Means.

By Mr. TAGUE: Joint resolution (H. J. Res. 318) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; to the Committee on the Library.

By Mr. FISH: Resolution (H. Res. 401) requesting the executive department to ascertain from the council of ambassadors its attitude toward a proposed change in regulations governing the manufacture of commercial aircraft in Germany and to inform the House of Representatives; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLGOOD: A bill (H. R. 11549) granting a pension to Sarah F. Berry; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 11550) granting an increase of pension to Pauline Lieball; to the Committee on Invalid Pensions.

By Mr. BLACK of New York (by request): A bill (H. R. 11551) granting a pension to Oskar Hofstrand; to the Committee on Pensions.

Also (by request), a bill (H. R. 11552) granting a pension to Thomas Keenan; to the Committee on Pensions.

Also (by request), a bill (H. R. 11553) for the relief of Mary E. Mann; to the Committee on Claims.

By Mr. CAREW: A bill (H. R. 11554) granting a pension to George W. Kohler; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 11555) to recognize and reward the accomplishment of Russel L. Maughan; to the Committee on Military Affairs.

By Mr. DAVEY: A bill (H. R. 11556) granting a pension to Flora M. Burbeck; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 11557) for the relief of John G. Pavet; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 11558) granting an increase of pension to Nancy Beverage; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11559) granting an increase of pension to Adelaide J. Balcom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11500) granting an increase of pension to Katie Busby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11561) granting an increase of pension to Mary A. Donaghy; to the Committee on Invalid Pensions.

By Mr. JOST: A bill (H. R. 11562) granting an increase of pension to Harriet J. Spencer; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 11563) granting an increase of pension to Jemima E. Downer; to the Committee on Invalid Pensions.

By Mr. LEACH: A bill (H. R. 11564) for the relief of Mabel Lane Beck; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 11565) granting a pension to Peter R. Crum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11566) granting a pension to William Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11567) granting an increase of pension to Martha M. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11568) granting an increase of pension to Nancy A. Irwin; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 11569) granting an increase of pension to Blanche J. Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11570) granting an increase of pension to Julia E. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11571) granting an increase of pension to Louisa D. Smith; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 11572) granting an increase of pension to Almira J. Brown; to the Committee on Invalid Pensions.

By Mr. SWOOPE: A bill (H. R. 11573) granting an increase of pension to Harriet A. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11574) granting an increase of pension to Nancy J. Strickland; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 11575) for the relief of the estate of David B. Dowdell, deceased; to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 11576) granting an increase of pension to Martha Tuttle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11577) granting an increase of pension to Rebecca J. Eveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11578) granting a pension to Edward H. Packer; to the Committee on Pensions.

Also, a bill (H. R. 11579) granting an increase of pension to Mary Wisheart; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11580) for the relief of Sheldon R. Purdy; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of Indiana: A bill (H. R. 11581) granting an increase of pension to Cornelia M. Matthews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11582) granting an increase of pension to Anna E. Greenlees; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3413. By the SPEAKER (by request): Petition of Fred A. Humphrey's Post, No. 8, American Legion, Casa Grande, Ariz., favoring the early passage of House bill 6484, for the retirement of disabled emergency officers; to the Committee on Military Affairs.

3414. Also (by request), petition of Captain Jarvis Post, No. 209, G. A. R., at Norton, Department of Kansas, asking for the repeal by Congress of the law authorizing the issue of memorial 50-cent pieces; to the Committee on Coinage, Weights, and Measures.

3415. Also (by request), petition of Mrs. Charles Ditter and other Gold Star Mothers, asking for favorable consideration on House bill 9538; to the Committee on Military Affairs.

3416. Also (by request), petition of American Federation of Labor, requesting an impartial investigation by Congress of frauds and violences alleged to have been committed during the last election held in Porto Rico, November 4, 1924; to the Committee on Insular Affairs.

3417. By Mr. ROUSE: Petition of 18 citizens of Kenton County, Ky., against the passage of a compulsory Sunday observance bill or any other religious legislation; to the Committee on the District of Columbia.

3418. By Mr. FULLER: Petitions of William H. Mulholland Co., Howard & Orr Co. (Inc.), McKay & Poague, and P. H. Cummings & Co., all of Chicago, Ill., opposing the bills to

provide for a permanent rent commission for the District of Columbia; to the Committee on the District of Columbia.

3419. By Mr. HAWLEY: Petition of residents of Sheridan, Oreg., to the House of Representatives not to concur in the passage of the compulsory Sunday observance bill (S. 3218), nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3420. By Mr. KETCHAM: Petition of citizens of Hastings, Mich., protesting against Senate bill 3218, a bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

3421. By Mr. MacLAFFERTY: Petition of citizens of Alameda County, Calif., opposing the passage of the compulsory Sunday observance bill (S. 3218) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3422. By Mr. SINNOTT: Petitions of residents of Linn County Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3423. Also, petitions of residents of Washington County, Estacada, Toledo, Gaston, Forest Grove, and Newport, Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3424. Also, petitions of residents of Salem, Forest Grove, Washington County, Sunnyside, and Linn County, Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3425. By Mr. SPEAKS: Papers to accompany House bill 11393, granting an increase of pension to Harriet Gale; to the Committee on Invalid Pensions.

3426. By Mr. TAGUE: Petition of Boston Municipal Council, United Spanish War Veterans, indorsing the enactment of the Knutson bill for relief of veterans of the war with Spain; to the Committee on Pensions.

3427. Also, petition of Massachusetts Committee, American Jewish Congress, favoring enactment of resolution providing for admittance extra quota immigrants now at ports of entry; to the Committee on Immigration and Naturalization.

3428. Also, petition of E. J. Auman, Dow & Co., and the Sulpho Naphthol Co., both of Boston, favoring adoption of the recommendations of the Postmaster General that legislation be enacted to regulate and equalize all rates of postage, in order that each class of mail shall be self-sustaining; also, letter from the George Close Co., of Boston, favoring the adoption of legislation for 1-cent letter mail; to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, January 13, 1925

(Legislative day of Monday, January 5, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1782. An act to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.; and

S. 3053. An act to quiet title to original lot 4, square 116, in the city of Washington, D. C.

The message also announced that the House had passed the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 10144) to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 62) to authorize the appointment of an additional district judge in and for the district of Indiana and to establish judicial divisions therein, and for other purposes, and it was thereupon signed by the President pro tempore.

EXPENDITURES OF DEPARTMENT OF AGRICULTURE

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of expenditures for the Department of Agriculture for the fiscal year ended June 30, 1924, which was referred to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 10144) to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924, was read twice by its title and referred to the Committee on the District of Columbia.

REPORT OF THE BANKING AND CURRENCY COMMITTEE

Mr. FLETCHER, from the Committee on Banking and Currency, to which was referred the bill (S. 3632) to amend the Federal farm loan act and the agricultural credits act of 1923, reported it with amendments and submitted a report (No. 861) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 3919) to amend section 206 of the transportation act, 1920; to the Committee on the Judiciary.

By Mr. SPENCER:

A bill (S. 3920) to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3921) for the relief of Alfred F. Land; to the Committee on Claims.

A bill (S. 3922) to amend the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924; to the Committee on Agriculture and Forestry.

By Mr. ODDIE:

A bill (S. 3923) granting a pension to Thomas A. McCharles (with accompanying papers); to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 3924) granting an increase of pension to Edna M. Cross; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 3925) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa.; to the Committee on Commerce.

By Mr. WILLIS:

A bill (S. 3926) granting an increase of pension to Mary E. Mauk (with accompanying papers); to the Committee on Pensions.

By Mr. PEPPER:

A joint resolution (S. J. Res. 167) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who died in the aviation service of the Army, Navy, and Marine Corps in the World War; to the Committee on the Library.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THOMAS JEFFERSON CENTENNIAL COMMISSION

Mr. COPELAND. Mr. President, I introduce a joint resolution and ask to have it read and referred to the Committee on the Library.

The joint resolution (S. J. Res. 166) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document, was read the first time by its title, the second time at length, and referred to the Committee on the Library, as follows:

Whereas the 4th day of July, 1926, will mark the one hundred and fiftieth anniversary of the signing of the Declaration of Independence,